



AGENDA

GARDNER CITY COUNCIL

City Hall – 120 East Main Street -- Gardner, Kansas
Monday, April 20, 2020
7:00 p.m.

****If you wish to provide written public comment regarding any items below by email, please provide them by noon on April 20, 2020 to cityclerk@gardnerkansas.gov. The meeting will be open to the public ****

*Watch this meeting live on the City's YouTube channel at
<https://www.youtube.com/user/CityofGardnerKS> *

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Proclaim April 22, 2020 as Earth Day in the City of Gardner, Kansas
2. South Wastewater Treatment Plant

PUBLIC HEARING

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters or items on the agenda that are not part of a public hearing

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on April 6, 2020.
2. Standing approval of City expenditures prepared April 3, 2020 in the amount of \$807,795.85; and April 9, 2020 in the amount of \$292,300.00; and April 10, 2020 in the amount of \$540,500.79; and April 10, 2020 in the amount of \$3,347.03.
3. Consider authorizing the execution of a master services consulting agreement with American Fidelity Administration, LLC., including a statement of work for patient protection and Affordable Care Act (ACA) compliance
4. Consider a recommendation to file an application to extend electric service with the Kansas Corporation Commission
5. Consider authorizing the execution of an agreement with HSA Bank for the initiation of debit and credit entries for COBRA premiums to and from the City of Gardner's account

PLANNING AND ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

1. Consider adopting an ordinance approving a rezoning of 38.6 acres from the R-1 District to the R-2 District for Breckenwood Creek located .4 miles north of 175th Street, along Kill Creek Road
2. Consider adopting an ordinance approving a rezoning of 100.4 acres from County and PEC3 District to City of Gardner District C-3 for Prairie Trace located at the southeast corner of W 175th Street and Interstate 35
3. Consider adopting an ordinance approving a rezoning of 31.9 acres from County PRB2 and PEC3 District to City of Gardner District R-3 for Prairie Trace located at the southeast corner of W 175th Street and Interstate 35
4. Consider adopting an ordinance approving a rezoning from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace

OLD BUSINESS



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's Office at 913-856-0945 a minimum of 48 hours prior to the meeting.



AGENDA

GARDNER CITY COUNCIL

City Hall – 120 East Main Street -- Gardner, Kansas
Monday, April 20, 2020
7:00 p.m.

NEW BUSINESS

1. Consider accepting a voluntary annexation with landowner consent
2. Consider the implementation of the 2020 Electric Distribution and Line Maintenance purchasing program

COUNCIL UPDATE – Oral presentation unless otherwise noted

EXECUTIVE SESSION

ADJOURNMENT



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's Office at 913-856-0945 a minimum of 48 hours prior to the meeting.

PROCLAMATION

WHEREAS, April 22, 2020 marks the 50th anniversary of Earth Day; and

WHEREAS, the first Earth Day was proclaimed in order to foster public awareness and the need to protect the environment and conserve resources; and

WHEREAS, Earth Day was created to allow us to reflect on the health of our planet and the importance of environmental stewardship, safeguarding our planet and its natural resources to ensure we and future generations will have a clean, healthy world in which to live, work and recreate; and

WHEREAS, Earth Day is celebrated annually to celebrate the beauty of our planet, recommit to actions to promote a healthy environment, and to maintain a peaceful, just and sustainable world; and

WHEREAS, Earth Day is an opportunity to renew America's commitment to preserving and protecting the state of our environment through community service and responsible stewardship; and

NOW, THEREFORE BE IT RESOLVED, that I, Steve Shute, Mayor of the City of Gardner, Kansas, do hereby proclaim April 22, 2020 as

Earth Day

in the City of Gardner, Kansas and urge all citizens to celebrate and commit to protect and enhance the long-term health of the natural environment and community.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Gardner, Kansas to be affixed this 20th day of April 2020.

CITY OF GARDNER, KANSAS

Steve Shute, Mayor

Attest:

Sharon Rose, City Clerk

(SEAL)

COUNCIL DISCUSSION FORM

PRESENTATION ITEM No. 2

MEETING DATE: **APRIL 20, 2020**

STAFF CONTACT: **GONZ GARCIA, UTILITIES DIRECTOR**

Agenda Item: South Wastewater Treatment Plant

Strategic Priority: Quality of Life; Infrastructure & Asset Management

Department: Utilities - Wastewater

Background/Description of Item:

Utilities Director Gonz Garcia will present the South Wastewater Treatment Plant plan to the Governing Body.

SOUTH WASTEWATER
TREATMENT PLANT
PRESENTATION

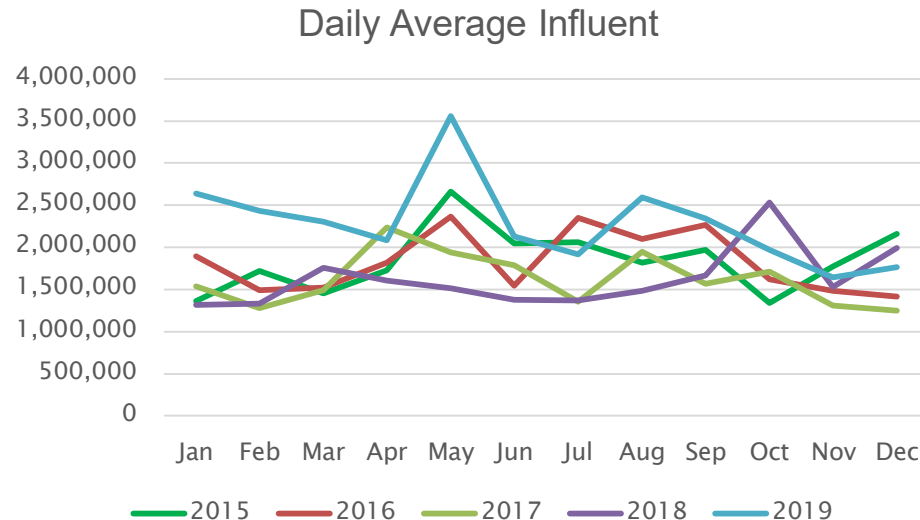
April 20, 2020

History

Kill Creek Water Resource Recovery Facility (KCWRRF)

- Constructed in 2002
- Design capacity of 2.5 MGD
- Peak capacity of 7.5 MGD

The daily average influent for the past five years is shown below:



History

Wastewater Master Plan

- Updated in 2017
- HDR
- 17 projects for collection and transfer of future wastewater to Kill Creek for treatment

Projects	2020	2021	2022	2023	2024	2025	2026	2027	2028	TOTAL
Wastewater	1.39	0	1.68	10.14	7.12	3.99	4.1	2.05	1.07	\$31.54

- Kill Creek Expansion \$16.8M (2032)

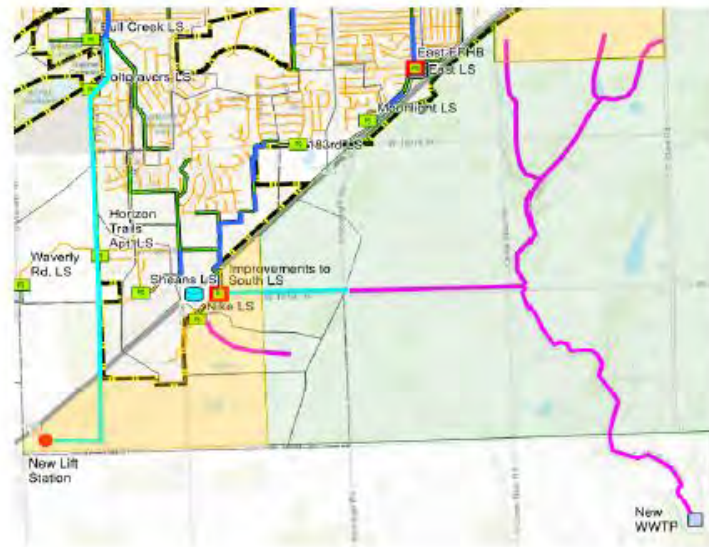


History

The Master Plan also provided an alternative to locate a new WW Treatment Facility south of I-35, on 191st or 199th Street with a design capacity of 0.750 MGD.



Alternative 1 Location



Alternative 2 Location



History

Master Plan Cost Comparison

Project	All Flow to Kill Creek WWTP	South Wastewater Treatment Plant Alternative 1	South Wastewater Treatment Plant Alternative 2
South WWTP (0.750 MGD Capacity)		\$11,250,000	\$11,250,000
Kill Creek Wastewater Treatment Plant - Capacity	\$16,820,000	\$8,437,500	\$8,437,500
Improvements to the East Lift Station	\$435,000		
East lift Station Parallel Forcemain	\$1,724,000		
South Lift Station Improvements	\$250,000	\$250,000	\$250,000
South Lift Station Forcemain Improvements to New WWTP		\$450,000	\$850,000
New Lift Station		\$860,000	
New Interceptor to South WWTP			\$1,150,000
South Lift Station Storage Tank	\$2,100,000	\$2,100,000	\$2,100,000
City Wide Parallel Improvements (Ultimate within the City Limits)	\$11,192,500	\$6,800,300	\$6,800,300
TOTAL	\$32,521,500	\$30,147,800	\$30,837,800



History

- In 2009, JCW finalized the Bull Creek Watershed Study.
- Edgerton, Gardner, New Century, and Spring Hill Covering over 50,000 acres.
- Provided guidance for development of the collection system and treatment.
- 2010-2030 time frame and for ultimate development.



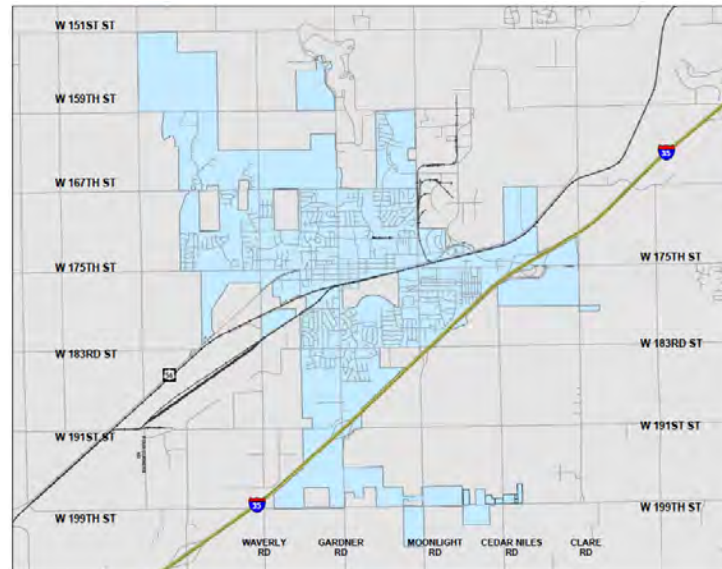


Annexations

In 2019, the City annexed:

- 261 acres for the Prairie Trace Project (GRATA)
- 800 acres along 199th Street.

Plus an additional 5,000 acres could be annexed within 2-5 years.



Anti-Degradation Study

Required for any new or expanded discharges from National Pollutant Discharge Elimination System (NPDES) facilities that results in lower water quality.

City initiated this anti-degradation review to obtain regulatory approval for constructing a new wastewater treatment plant to serve the projected growth.

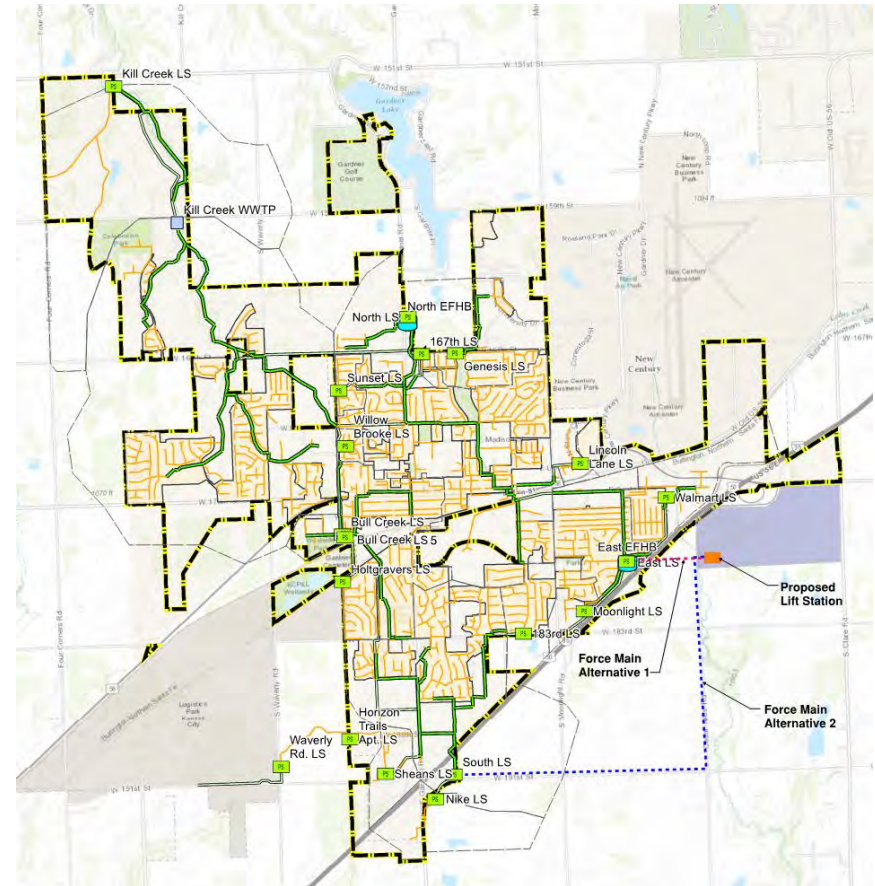
Five long term alternatives evaluated:

1. New South WWTP
2. Pump flows to Kill Creek Water Resource Recovery Plant
3. Pump flows to JCW's New Century WWTP
4. Pump flows to Edgerton's Big Bull Creek WWTP
5. Non-degrading Alternative



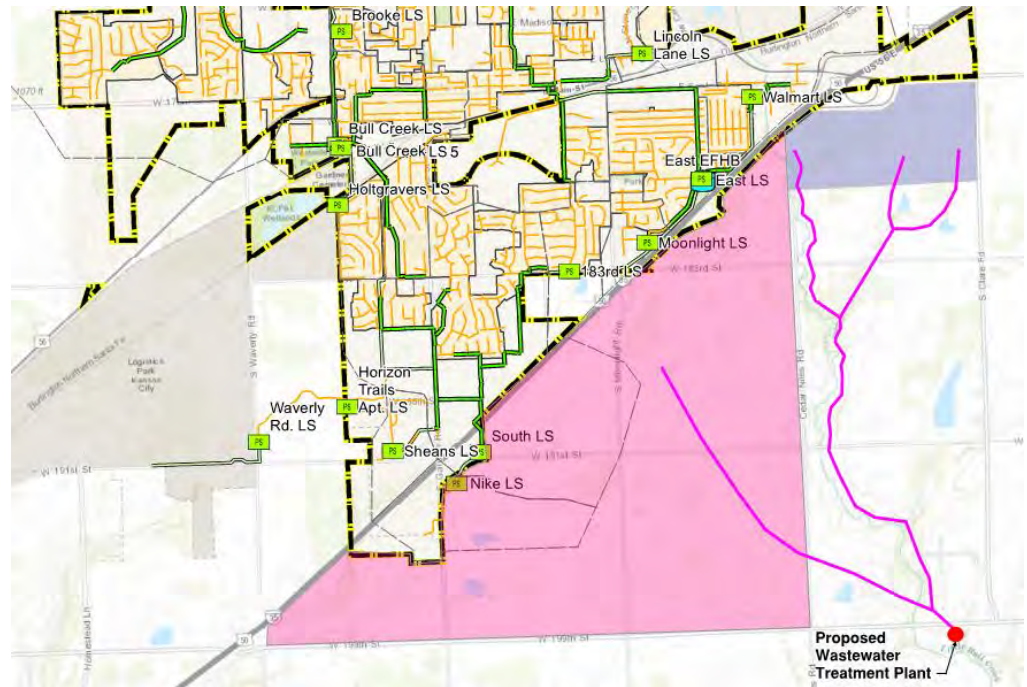
Near-term Alternatives

- ▶ Alternative 1 – Pump flows to East LS
 - \$1,300,000
- ▶ Alternative 2 – Pump flows to South LS
 - \$2,067,000



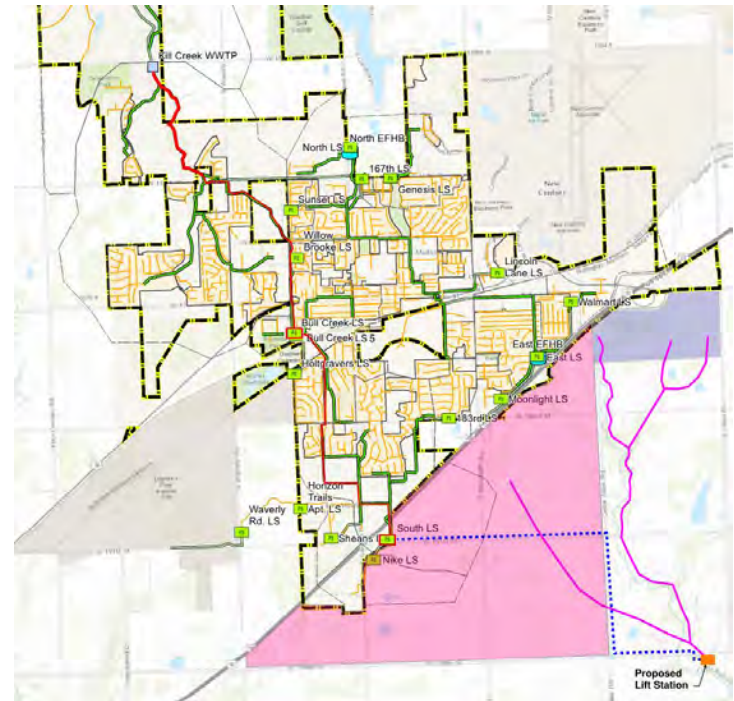
Alternative 1 – New South WWTP

- ▶ 2.5 MGD WWTP (20-year)
- ▶ 5 MGD WWTP (Ultimate)
- ▶ LOT WWTP
 - (5-stage with denitrification filters)
- ▶ Offload existing system
 - East Lift Station
 - South Lift Station



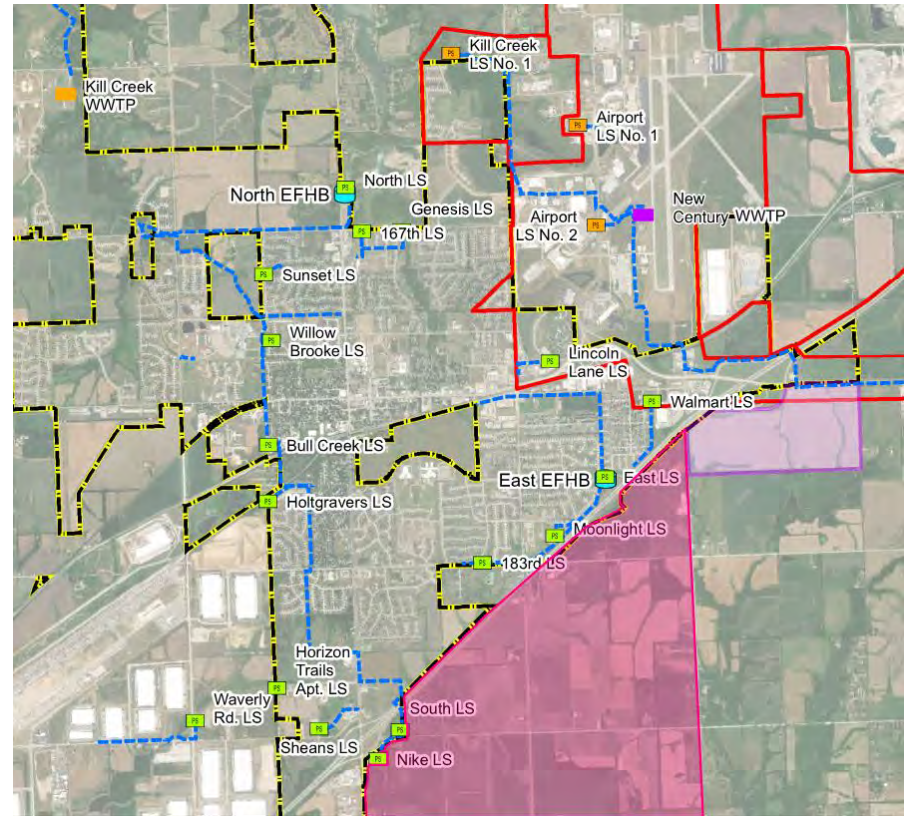
Alternative 2 – Pump to Kill Creek Water Resource Recovery Plant

- ▶ Discharges to Kill Creek and Kansas River
 - TN = 10 mg/l
 - TP = 1.5 mg/l
- ▶ Capacity upgrades to existing system
 - South LS and forcemain
 - Bull Creek LS and forcemain
 - Interceptor system to WWTP
 - Kill Creek WWTP



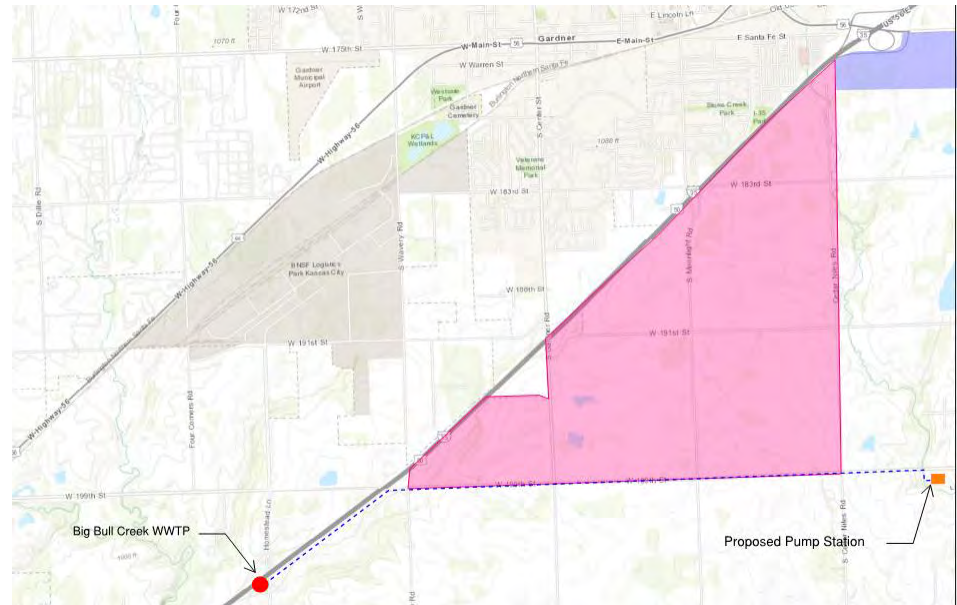
Alternative 3 – New Century WWTP

- ▶ Not feasible alternative
- ▶ Plant near or at capacity
 - Upgrades not scheduled for several years
- ▶ JCW cannot accept flows
- ▶ WWTP cannot be upgraded to meet future flows
 - Site limitations



Alternative 4 – Big Bull Creek WWTP

- ▶ Non-economic constraints
- ▶ Discharges to Hillsdale Lake
 - Plant upgraded to LOT
 - Capacity upgrades
 - 0.5 MGD current capacity
- ▶ New pump station and 5.5 miles of forcemain



Alternative 5 – Non-degrading Alternatives

- ▶ Effluent Irrigation
 - Low permeability soils
 - Requires several thousand acres of land
 - Not feasible from land and cost perspective
- ▶ Recycle of Reuse
 - Send flows to WTF
 - 5 miles of forcemain
 - Requires high level of treatment
 - MBR plant
 - Not feasible from cost perspective



Cost-effectiveness

Alternative	20-Year Net Present Worth Costs			
	Net Present Value of Capital ¹	Net Present Value of O&M ²	Total Net Present Value	Percent of Lowest Cost Alternative
Alternative 1	\$42,959,000	\$681,700	\$54,014,000	100%
Alternative 2	\$49,743,000	\$695,300	\$61,123,000	113%
Alternative 3	\$51,254,000	\$678,300	\$62,363,000	115%

- Alternative 1 (new South WWTP) is the most cost effective alternative



Anti-Deg South WWTP

Project	All Flow to Kill Creek WWTP - Master Plan	South Wastewater Treatment Plant - Master Plan ¹	South Wastewater Treatment Plant - Antidegradation Study ²
South WWTP		\$11,250,000	\$20,894,000
Kill Creek Wastewater Treatment Plant - Capacity Improvements to the East Lift Station	\$16,820,000	\$8,437,500	
East Lift Station Parallel Forcemain	\$435,000		
South Lift Station Improvements	\$1,724,000		
South Lift Station Forcemain Improvements to New WWTP	\$250,000	\$250,000	
New Lift Station		\$850,000	\$1,288,000
New Interceptor to South WWTP		\$1,150,000	\$5,766,000
South Storage Improvements	\$2,100,000	\$2,100,000	
City Wide Parrallel Improvements (Ultimate within the City Limits)	\$11,192,500	\$6,800,300	
	\$32,521,500	\$30,837,800	\$27,948,000

¹ 0.750 MGD plant with a TN=10 mg/l, TP=1 mg/l

² 1.250 MGD plant with a TN=3 mg/l, TP=0.5 mg/l

Differences between the costs:

1. Master Plan was based upon 0.75 MGD vs 1.25 MGD for Antideg
2. Antideg plant included TN=3 mg/l, additional facilities for 5-stage and denitrification filter
3. Interceptor costs in Master Plan was for difference between the two alternatives (PS vs WWTP) not full estimated cost
4. Improvements to South LS/storage not included in Antideg



Action Plan Recommendation

1. Based on Anti-Degradation Study and KDHE recommendations, begin preliminary design and construction cost estimate - 2020
2. Identify optimum location for new WWTP - 2020
3. Acquire necessary easement for gravity main – 2020
4. Begin gravity main and WWTP construction - 2021



Q&A



RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS

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April 6, 2020

The City Council of the City of Gardner, Kansas met in regular session on April 6, 2020, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Rich Melton, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Business & Economic Development Director Larry Powell; Police Chief James Belcher; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Finance Director Matthew Wolff; Parks and Recreation Director Jason Bruce; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the attached sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Shute at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Autism Awareness and Acceptance Month

Mayor Shute read into record a proclamation that the month of April 2020 be known as Autism Awareness and Acceptance Month in the City of Gardner, Kansas

2. 2020-2024 Capital Improvement Program

Finance Director Matt Wolff presented the CIP schedule and provided a CIP overview. The CIP identifies needs, determines costs, prioritizes capital requests, and develops financing strategies. Finance looks at different financing types; some projects they use cash, which has an immediate impact to the budget, but it will impact the budget in out years when they have annual debt service. It's important to tie the term of the debt to the useful life of the asset. Capital budget stands for what the city has funding authority to do. Capital Improvement Program (CIP) is a 5-year plan; Capital Improvement Element (CIE) is 20-year. Wolff displayed the next 5 years of CIP, stating they try to keep it even throughout most years. About 50% of the CIP projects are utilities projects with dedicated revenue sources. Public Works makes up about 46%, but the illustration shows total projects costs, they leverage grants to help carry those projects. It's important that the CIP conform to the comprehensive plan. They do this by looking at goals stated in the comprehensive plan, then align projects underneath these goals. Dependable public services and facilities include an airport terminal and FBO hangar, a new line maintenance building, WWTP advanced nutrient removal – this project will only be done if mandated, because the cost is \$5.8 million. Councilmember Winters asked if that will be a high probability. Utilities Director Garcia said the city is within the limit for nutrients under the current permit for Kill Creek. There is talk about lowering the limits, and that would require additional processes or chemicals to be within the new compliance. The permit is up at the end of next year, and they'll know then if this project is needed. Director Wolff continued, stating that every 5-year CIP has several utility projects that are classified as maintenance facilities or system redundancy and can be found in the packet. The next goal is to maintain safe and efficient transportation networks. This 5-year plan includes signalization at Moonlight and Madison if traffic warrants are met, reconstruction of Waverly from 175th to Madison, rehabilitation of Moonlight Road from I-35 to Buffalo Trail, Main Street rehabilitation from Sycamore to Moonlight (leveraging approximately \$2 million in KDOT funding), Center Street rehabilitation from Main Street to 167th, Center Street sidewalk improvements, and proposed land acquisition for the airport's runway protection zone. 183rd rehab from Center to the west and 167th from Center to Moonlight are both scheduled out in 2024. Balancing the park system that supports connectivity includes trail resurfacing along the S. Center St bicycle and pedestrian path. They plan to use funds from the infrastructure special sales tax. To support growth, they have the design work underway for the Gardner Road and I-35 interchange with construction expected to start this year, Cedar Niles to Clare Road overhead power line, Prairie Trace three-phase underground power line to extend electric service to the new Grata

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project, Gardner Road bridge over I-35 (costing approx. \$10 million and leverage approx. \$6 million in KDOT funding), design work for the new water transmission line and new intake structure for Hillsdale Lake. Director Wolff continued, sharing that there are eight requests from departments with the year of requested project for which there is no funding available, given the local match portion. They may have grant funding available, but the city cannot afford the local match for these. Director Wolff showed more detail into CIP funding. The special highway fund cannot support any additional projects, even if it's the local match portion. For projects they are issuing debt for, like Gardner Road bridge or interchange projects, the funding won't likely be available in the near future. Staff has been building street excise tax revenues in the street improvement fund and have approximately \$1.5 million. Public Works is evaluating the best way to leverage these funds to bring in grant money to fund one or two of the unfunded street projects. Senior Municipal Advisor Bruce Kimmel gave a presentation last month on fiscal capacity. He showed that the city has \$10 million in debt capacity on bond and interest. He based this on issuing general obligation debt with a 20-year term. If they issue debt on 10-15 year terms, they will have less debt capacity. Wolff said they debt capacity is there, but he urges extreme caution when considering the utilization of it. They face uncertain economic conditions; it may be prudent to keep the debt capacity in case of emergency or to take advantage of an economic development opportunity. That is a policy decision.

Mayor Shute clarified the Gardner Road bridge over I-35, the 2022 project, that's not the east span. The first span should be matched with state funding, and this is the 2nd span needed to get the diverging diamond. Wolff reviewed. Shute found the project details, stating this is the 2nd phase of improvements, and is the full replacement for diverging diamond. They don't have matching funds from KDOT, is that the reason it's \$9 million. Wolff said they have \$6 million from KDOT. Shute said they are waiting on 2nd span. Wolff said they need local match from the city, so they won't get more than \$6 million for the project. They are looking to see if they can combine CARS and KDOT money on the same project. Shute said they may leverage MARC money as well. Wolff said any additional grant fund would be appreciated. Unfunded projects are important. They are identified by staff and need to be done. They continue to look for funding each year.

Councilmember Baldwin said the \$310,000 for 167th, from Center to Moonlight, that's reconstruction. That will leave it as a two-lane road, and not expanding? Projected out at 2024. Director Wolff said this is base repairs and resurfacing. Baldwin said in a few years it could be more expensive, and would be good to have another significant thoroughfare. Mayor Shute noted it's \$1 million a lane-mile, so expanding to 4 lanes would be \$4 million.

Councilmember Gregorcyk asked about the parking lot reconstruction at Celebration Park, they didn't encumber maintenance funds for this? Director Wolff said they haven't encumbered funds for any parking lots. They looked at something similar to sidewalk program, other aspects of pavement management. Mayor Shute said the plan was to add city parking lots, city property, into the pavement management program. Gregorcyk said it's a heavy-use parking lot with severe damage, is staff taking this downtime to make repairs? City Administrator Pruetting said Parks and Public Works are discussing. Wolff said redoing the entire parking lot is \$1 million. Public Works is seeing if they can take out the bad sections and fixing them at a lower cost.

PUBLIC HEARING

- 1. Consider holding a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale and consumption of Cereal Malt Beverages for consumption within 200 feet of a school, church or library during the Gardner Spring Derby at the Johnson County Fairgrounds**

Councilmember Melton made a motion to open a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale and consumption of Cereal Malt Beverages for consumption within 200 feet of a school, church or library during the Gardner Spring Derby at the Johnson County Fairgrounds

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

No members of the public came forward.

Councilmember Melton made a motion to close the public hearing.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PUBLIC COMMENTS

Michael Kreller, 18413 Sycamore Ct - Thank you for taking the huge step of helping all of the citizens of Gardner with your recent action to cancel the payment of the month's electric bill for all of us. I commend your willingness to recognize the difficult circumstances that many citizens are in with the layoffs, and business decline, due to the Covid-19 pandemic. Again thank you for taking the immediate needs of our citizens to heart and providing us some relief. I would like to thank each of you in person, but we are staying at home until the pandemic eases.

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on March 16, 2020.
2. Standing approval of the minutes as written for the special meeting on March 30, 2020.
3. Standing approval of City expenditures prepared March 12, 2020 in the amount of \$921,065.87; and March 18, 2020 in the amount of \$111,296.56; and March 20, 2020 in the amount of \$1,317,926.28; and March 23, 2020 in the amount of \$17,904.00; and March 27, 2020 in the amount of \$435,875.56.
4. Consider authorizing the purchase of a replacement K9 Bite Suit
5. Consider approving the issuance of a Cereal Malt Beverage (CMB) license for the remainder of calendar year 2020
6. Consider authorizing the payments of the amounts for acquisition by condemnation of real property interest in fee simple, permanent utility easement, and temporary construction easement
7. Consider a recommendation to approve the sale of capacity to Dogwood Energy Facility
8. Consider authorizing the purchase of a new track-loader for the Water Resource Recovery Facility
9. Consider authorizing the Vacation and Release of a Sanitary Sewer Easement in Willow Brooke Estates VI

Councilmember Melton made a motion to approve Consent Agenda.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

**RECORD OF PROCEEDINGS
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1. Consider a request for a Waiver of the Distance Limitation and a General Retailer Special Event temporary permit to allow for the sale and consumption of Cereal Malt Beverages within 200 feet of a school, church or library during the Gardner Spring Derby at the Johnson County Fairgrounds

City Clerk Sharon Rose said this is a housekeeping item in relation to the public hearing held earlier. It is a request to offer beer sales during the Gardner Spring Derby, should it be held, on May 9.

Councilmember Winters said this is new at the fairgrounds. Is this something that may come up more than once, and should they look at granting the waiver for a year a time or in general? Mayor Shute asked City Attorney Denk if they can do that or if they have to handle it on a special event purpose? Denk believes they can, like they did for Tumbleweed last fall, they granted it for the business life and not just for a week. That is within council discretion. Shute asked if it would be for the Fair Association or the Event Manager. Denk will revisit code. For events like this, it's in favor of the event sponsor or caterer because the city requires proof of insurance. City Clerk Rose said the city does a background check on the applicant. Winters said each event would go through the permitting process, but it may be easier to give the authority to the city clerk. They can wait and see if they get more waiver requests. Shute said individual waivers have to come before the governing body to approve on an individual basis, correct? Denk said they approve the site, and as part of the approval, the city requires the permitting process. The fairgrounds would rent to a third party, and they need a process to make sure that third party was being checked. Shute said if the fairgrounds had a blanket waiver of distance limitation, they would assume responsibility for the consumption. Denk said the city doesn't have liability. The city needs the background checks, the distance limitation is statutory, the city has additional measures to ensure protections are in place. Councilmember Baldwin wants to see how it goes, but likes the idea, if it's something they will approve multiple times, make it a blanket approval for a year. Denk said they could craft an approval in favor of the fairgrounds, contingent upon anyone they brought, where they wouldn't have to come back before the governing body every time, it could be administrative, and they follow the permitting process, and if the city clerk approved it would be sufficient. Denk shared that in another city, the governing body didn't want every CMB license coming before them, they had an administrative process, and only in the event of a denial would it come before the governing body. Shute said the concern with the Fair Association is they cannot serve alcohol on premises without coming to the governing body each time for a waiver of distance limitation. Winters said he experienced that working on the FOTT, each year they had to bring it before the governing body. If it's they will be asked to approve frequently, they can give the authority to the City Clerk. Rose said the Fair Association may be coming later this summer to request a CMB license for the fair. They haven't done it yet, but indicated they are interested. Denk said he can circulate the ordinance for the other city that granted administrative approval to the City Clerk, and they can review it.

Councilmember Melton said it will be telling how it goes with the Sheriff Dept, etc, whether they continue. This is the first year. There's been concern in the past that there are people who come to the event having already been drinking.

Councilmember Melton made a motion to approve a request for a Waiver of the Distance Limitation and a General Retailer Special Event permit to allow for the sale and consumption of Cereal Malt Beverages within 200 feet of a school, church or library during the Gardner Spring Derby at the Johnson County Fairgrounds

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

2. Consider adopting a resolution authorizing the public sale of approximately \$29,150,000 of principal amount of General Obligation Bonds

Finance Director Matt Wolff said the city is scheduled to sell approximately \$29,150,000 principal amount of General Obligation Bonds on May 4, 2020, at 11:00 a.m. The attached bond sale documents prepared by Municipal Advisor Kimmel include the estimated costs of issuance and debt service schedules for water treatment plant expansion

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April 6, 2020

and the smart meters project. Council will note that the term of the bonds/repayment period for water treatment plant expansion is 20 years and the term for the smart meters project is 10 years. The proposed resolution authorizes all preparations to facilitate sale of the bonds. Bond Counsel Ellsworth and Municipal Advisor Kimmel are on the phone to answer any questions.

Councilmember Melton asked what kind of rates they are looking at, with everything going on? Kimmel said there have been periods of volatility, followed by periods where the rates go up or down with velocity they haven't seen in quite some time. Rates are holding fairly stable, the rates in the packet are pretty close to where the market has been. There is a 25 basis point cushion. Checking other bond sales that happened today, the interest rates are 25-35 basis points better than what they have. In case the market goes haywire again leading up to the May sale, they have alternative ways of backing the capital for the city. There are strong options. Plan A is to access the public market, as in the past, but they have a Plan B.

Councilmember Gregorcyk made a motion to adopt a resolution authorizing the public sale of approximately \$29,150,000 of principal amount of General Obligation Bonds of the City of Gardner, Kansas.

Councilmember Melton Seconded

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2051.

Roberts:	Yes
Winters:	Yes
Baldwin	Yes
Gregorcyk:	Yes
Melton:	Yes

3. Consider adopting an ordinance approving the description and survey of lands necessary for constructing, reconstructing and maintaining of public utility improvements, designated in Resolution No. 1990

Utilities Director Gonz Garcia shared background that in 2017, council approved a backfeed project to connect Circuit 41 to Circuit 42, which is the Fairfield subdivision. The owner of the subdivision wouldn't give the city the easement. At that time, staff requested consent from City Council to initiate the condemnation process. They adopted a resolution in 2018, and now this ordinance provides staff to move forward with the condemnation.

Councilmember Baldwin asked what has transpired since July of 2018? Director Garcia said besides doing the eminent domain on the subdivision, there is property to the south. That is one avenue staff was reviewing. The landowner has not responded that he's willing to give an easement. Due to growth, that backfeed is needed now. Mayor Shute asked how long it will take to get backfeed in? Director Garcia said two to three months. Shute asked if they are ready now with equipment and materials. Garcia confirmed. Shute doesn't like that they have to do this process, but the backfeed is needed. Councilmember Baldwin is baffled at this process because they aren't taking any land, just digging. Shute said they may have had plans for that property on the west side. Baldwin said they can't do anything with it, it butts up to Edgerton. Garcia said they explored that two years ago with an option to go to Edgerton and they wouldn't give the easement.

Councilmember Melton made a motion to adopt an ordinance approving the description and survey of lands necessary for constructing, reconstructing and maintaining of public utility improvements, designated in Resolution No. 1990

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2655.

Winters:	Yes
Baldwin	Yes
Gregorcyk:	Yes
Melton:	Yes
Roberts:	Yes

4. Consider a resolution establishing a policy relating to property tax abatements for new and existing businesses

Finance Director Matt Wolff said the City's existing Economic Development Incentive Policy, adopted April 2015, and amended February 2016, references property tax abatements but does not contain the specific uniform policies and procedures required under K.S.A. 79-251(a) for constitutional tax abatements. The proposed tax abatement policy supplements the existing Economic Development Incentive Policy by adopting official policies and procedures for the granting of such exemptions. The proposed tax abatement policy outlines conditions and criteria for granting the exemption, the required preparation of an analysis of the costs and benefits of each exemption, and the procedure for monitoring the compliance of a business receiving an exemption.

Mayor Shute asked Director Wolff to provide the difference between constitutional abatements versus an abatement tied to an Industrial Revenue Bond (IRB). Director Wolff said they typically use IRB abatement. The constitutional abatement is more strict on who can use it. If a business qualifies for it, they will prefer it because they won't have to pay the origination fee. The type of business it determines the kind of abatement. Shute asked if it's because of issuance of bonds, that carries a cost? Wolff confirmed. If they can get abatements without paying the 1% origination fee on the principal amount of the IRB, that's preferable to most companies. Shute said not many use constitutional abatements. Bond Counsel Tyler Ellsworth said there are two primary differences. One is that IRBs are broader and can be used for any kind of commercial enterprise. A constitutional abatement has to fit within narrower categories. The other is that with an IRB used to put an abatement in place, they automatically get sales tax exemption, with constitutional abatement the sales tax exemption doesn't automatically apply.

Councilmember Gregorcyk referenced section 1B, adding jobs, is there a goal in mind on number of jobs? Director Wolff said that could be council's decision. Gregorcyk asked if this is for new and existing businesses? Wolff confirmed, if an existing business wants to expand.

Councilmember Gregorcyk made a motion to adopt a resolution establishing a policy relating to property tax abatements for new and existing businesses

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2052.

Baldwin	Yes
Gregorcyk:	Yes
Melton:	Yes
Roberts:	Yes
Winters:	Yes

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5. Consider accepting and authorizing payment for permanent and temporary construction easements for the new raw water main as part of the Hillsdale Expansion Project

Utilities Director Gonz Garcia summarized that as part of the Hillsdale Water Treatment Plant expansion project, a new 24" raw water transmission main is needed. While reviewing the existing raw water transmission main and designing the improvements during the Phase I portion of the contract, it was determined that additional permanent and temporary easements would be required to construct the new raw waterline. Since October 2019, Burns & McDonnell-CAS Constructors have been in negotiations with property owners for easements required for the construction of the raw water transmission line. William Osborn spoke out at a previous meeting. They looked at the alignment and were able to move the transmission line from Mr. Osborn's property to the north and are waiting for final approval from Water 7, because the new line will be between Water 7 and the right-of-way of Miami County. They will approve the final design. Staff and consultants negotiated with 8 property owners. Some have signed the agreements, two are pending with verbal agreements, and one is pending. For Victoria Lovell, it includes a pond consent. During the design, KDHE approved the new location of a retention pond with a condition that the landowners south of the plant agree to it because the pond will be within 100 feet of the property line. They signed the consent, but there was a dollar amount associated with that, included in her settlement.

Mayor Shute said it looked like there are a few more. Director Garcia hopes to bring those next meeting. Shute said they will not have any eminent domain actions. Garcia confirmed, they avoided that approach.

Councilmember Melton made a motion to accept and authorize payment for permanent and temporary construction easements for the new raw water main as part of the Hillsdale Expansion Project

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Director Garcia clarified to add the pond consent agreement. Mayor Shute amended the motion to include the pond consent agreement. Councilmember Melton made a motion to include the pond consent agreement. Councilmember Winters seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

COUNCIL UPDATES

Director Powell provided an update that permits have slowed in recent weeks, but there is still activity. Staff are taking applications electronically that they set up. It's working well for developers, but general citizens are having difficulty accessing it for things like fences and decks. Powell said they are fully staffed and recommends residents call in with questions or assistance. The city is still doing business, can email or call during normal business hours. Many departments are functioning the same way. Price Chopper moving forward, but has slowed because of social distancing for construction crews. Staff are still doing inspections at a normal level. They are seeing new house permits coming in. Staff are experiencing a slowdown in inter-office materials going around with people working from home, but staff is working on it. Councilmember Gregorcyk said those residents doing home improvement, can staff put something on social media about the online process? Powell said he is working with the Communications Manager on that. With regard to home improvements, he has heard many stores are selling out of paint. Councilmember Melton asked if someone is replacing some deck boards, but not replacing the whole deck, do they need a permit? Powell said if they are doing maintenance or repair on less than half, then no, but if they are reskinning the whole deck, it's best to call the office and make sure it's up to code.

Director Bruce said staff is working remotely. One task is training on the new software program, which is still on schedule for June. Staff is looking at contingency planning for programs, consulting with other agencies, putting plans in place for when they can resume programming. Parks maintenance continue to work on parks. They ask the public to stay off playgrounds. Mayor Shute said he received an email about Gardner Golf Course, forwarded

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it to Director Bruce and Administrator Pruetting. People are asking why the golf course is still running. Bruce said communication with county and other agencies, several metro golf courses are putting in place physical distancing measure to keep courses open for play. Gardner Golf Course has raised cups, limited single players for carts, sanitizing carts before and after each use, not serving food and beverage inside. Shute said private courses are shutting down, but public courses are staying open and he wanted to everyone to know what was addressed.

Mayor Shute asked Director Wolff for an update on revenues. Wolff said they are expecting a decrease in revenues like transient guest tax and sales tax, those run about two months behind so they haven't seen numbers yet. They are hearing ranges of 10-25% decreases, and staff is working with the City Administrator to take budgetary steps to prepare. Shute said their goal during this is to keep within the 20-25% fund balance. Wolff confirmed they want to keep it at 25%. He noted the transient guest tax will be hit the hardest, up to 60% decrease in revenues. Shute said the support they provide to the SWJCEDC and Chamber will be reevaluated. Administrator Pruetting said the county and large cities are taking drastic measure to account for the decrease. Gardner is not as exposed to the sales tax decreases as other cities. Gardner's drivers like Walmart and Price Chopper are doing well. The county contribution they get will take a hit, including the courthouse tax for the Justice Center. Staff has taken steps to freeze hiring, freeze discretionary and non-essential spending. Pruetting asked directors to cut 10% from their budgets for the remainder of the year. If it continues, they will look at options through the recent federal acts. They are staying aggressive and proactive. Shute said they don't want to be in a situation like 2011 when they had to take drastic cuts across the organization. He appreciates the work they are doing. Wolff continued, sharing that they had a kick-off meeting with the Price Chopper developer for the CID bond issue. The developer will introduce their finance team at the April 20th meeting.

City Attorney Denk is glad to be back from quarantine. He's been keeping everyone informed of emergency orders, federal acts that have recently been passed. He is available for questions.

City Administrator Pruetting said things are going well operationally. They are three weeks into remote work. Staff availability and directors work to ensure productivity has gone exceptionally well. The city is running as normal as possible. He commended the directors for that. Regarding essential/non-essential businesses, the city's hands are tied in identifying who is essential. The state order superseded the one the county was working on. Businesses can apply to the state or call and ask for determination of whether they are essential. Police Chief Belcher had a meeting about enforcement. Many businesses have voluntarily closed, but a few are refusing. There is no enforcement mechanism and no support from the prosecutor to enforce the order as currently written. They are waiting to determine how those businesses that won't cooperate will be handled at the county or state level with regard to charging people or going to court. It's difficult to justify some businesses that have been deemed essential, some are struggling with that, and he hopes they'll have it resolved soon. Mayor Shute asked about staff morale. Pruetting said morale is good. It may be difficult getting staff to come back. Communication between Pruetting and the directors, and then directors and their staff, has been excellent. They are using MS Teams for internal communication and Zoom for other communications. Interpretation of the language of the federal acts changes quickly. Denk said the Dept. of Labor completely reversed its original interpretation of an act in 5 days. Shute thanked Pruetting for keeping the operations of the city moving; he appreciates Pruetting's leadership and leadership of the directors. Pruetting and Shute commended a great staff.

Councilmember Roberts thanked the person responsible for the sidewalk post today. She's had a couple of complaints and was going to bring it up, but it's out now. More people are out on the sidewalks and it's a good reminder. She also thanked staff for the clarification on the electric holiday and how people can process their payment.

Councilmember Gregorcyk asked if the city still has a drop box for payments. Is anyone receiving payments? Pruetting said people can't come in to City Hall to pay. Director Wolff said utility billing is staffed, public can't come in, but drop boxes are checked daily and residents can pay online or over the phone. Gregorcyk thanked Officer Davidson for stopping at his house around 10pm to tell him that his garage door was left open. That was great community outreach. He appreciated the stop.

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Councilmember Melton asked Director Bruce what he has heard about the pool? With the chlorine, is that a Covid safe area? Director Bruce does not know. He was on a conference call with 68 other cities last week, and all were wondering about the status of pool openings. They are waiting to see what happens with the statewide order. Pruetting said it was a topic on the managers call, and they are going to pick a firm date when it's no longer feasible to spend the money to treat and open pools. RG Fiber has begun cleaning up after their project in the right-of-way. Before they issue bond money back, he wants staff to make sure restorations have been made throughout the city, but he was glad to see them back.

Councilmember Winters said he has been asked to bring up the city-wide clean up. Is that still happening? Wolff staff are discussing, as they mentioned the 10% cut to the general fund. The cost of that program has significantly gone over budget in the past. Shute said they got twice as much picked up last year than what was expected. Winters asked what the cost was last year; Wolff doesn't remember the exact dollar amount, but it exceeded budget and is anticipated to be more expensive this year. Wolff said as these programs get more expensive, other cities have been getting more selective. They may limit the amount of items or type of items, and those are considerations for council. Winters suggested a \$5 permit fee to help off-set. Councilmember Baldwin said Olathe doesn't do a one-time pick up, but residents can call the city and have them scheduled. They charge \$25 and it's whatever can fit in a front-end loader bucket. Councilmember Gregorcyk suggested a bag program, with the large construction-type bags. Waste Management has a similar program.

Mayor Shute can't say enough about the job city staff is doing. He has had no complaints about service quality or availability of staff, despite being closed for almost 3 weeks. Staff, directors and the administrator are keeping a steady hand. Shute addressed the public, saying it's a tough time currently. Nationally, they are expecting a peak in Covid-19 deaths in the coming weeks. He strongly recommends following the CDC guidelines to slow the spread. Engage in social distancing, wear face cover when out in public, wash hands frequently, use sanitizer. Shute asks that people pray for first responders and health care professionals who are putting their health on the line every day to fight the disease. If someone doesn't believe in prayer, please send up positive thoughts for them. Keep vigilant, and everyone will get through this sooner rather later.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Melton and seconded by Councilmember Baldwin the meeting adjourned at 8:19 p.m.

City Clerk

VEND NO	SEQ#	VENDOR NAME	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004116	00	AEROTEK, INC	001395	00 04/03/2020	001-6105-461.31-15	PROFESSIONAL SERVICES
OP09398723						EFT: 660.00
0000350	00	AFFINIS CORP.	PI0127 006982	00 03/26/2020	130-3130-431.62-04	VENDOR TOTAL * 660.00
7704						EFT: 1,247.50
0000029	00	ALTEC INDUSTRIES, INC.	001396	00 04/03/2020	501-4130-441.52-02	VENDOR TOTAL * 1,247.50
11367841						EFT: 4,151.28
0004287	00	AMERICAN FIDELITY - SUPPLEMENTAL	001398	00 04/03/2020	721-0000-202.03-07	VENDOR TOTAL * 4,151.28
D1444525						EFT: 7,256.32
0004301	00	AMERICAN FIDELITY ASSURANCE CO	001397	00 04/03/2020	721-0000-202.03-11	VENDOR TOTAL * 7,256.32
2066150						EFT: 1,549.98
0004828	00	AMERICAN NATIONAL BANK	001390	00 03/31/2020	301-9100-491.71-01	VENDOR TOTAL * 1,549.98
03312020			001391	00 03/31/2020	301-9100-491.71-02	2018 LEASE PAYMENT CHECK #: 127
03312020						2018 LEASE PAYMENT CHECK #: 127
0004220	00	AMERICAN TEXTILE MILLS, INC	001422	00 04/03/2020	521-4230-442.52-20	VENDOR TOTAL * 77,662.65
22883			001399	00 04/03/2020	531-4320-443.52-20	TOWELS EFT: 197.64
22697			001423	00 04/03/2020	531-4330-443.52-20	TOILET PAPER & RAGS EFT: 186.66
22883						TOWELS EFT: 197.64
0001986	00	ANIXTER, INC.	001400	00 04/03/2020	501-4130-441.52-31	VENDOR TOTAL * 581.94
4530130-02			001424	00 04/03/2020	501-4130-441.52-25	CONNECTORS EFT: 697.90
4515169-00						LED LIGHTS EFT: 1,024.69
0002420	00	BRENNTAG MID-SOUTH, INC	PI0128 007234	00 03/25/2020	521-4220-442.52-13	VENDOR TOTAL * 1,722.59
BMS545197						CHEMICALS-WATER SYSTEM EFT: 2,486.25
0004628	00	CALGON CARBON CORPORATION	PI0129 006993	00 03/23/2020	521-4220-442.52-13	VENDOR TOTAL * 2,486.25
90098259						ACTIVATED CARBON EFT: 1,620.00
0002321	00	CES	001425	00 04/03/2020	501-4120-441.43-01	VENDOR TOTAL * 1,620.00
OLA/050651						LIGHTS FOR ELEC. GEN. BLD EFT: 21.00
0001643	00	CITY OF EDGERTON	001426	00 04/03/2020	531-4320-443.31-15	VENDOR TOTAL * 21.00
MAR-20						MONTHLY BILLING 17,578.85

VEND NO	SEQ#	VENDOR NAME	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE		VOUCHER P.O.	NO	DESCRIPTION	AMOUNT	HAND- ISSUED
NO		NO				AMOUNT
0001643	00	CITY OF EDGERTON				
0000070	00	COLONIAL LIFE & ACCIDENT INS CO.	721-0000-202.03-07	VENDOR TOTAL *	17,578.85	
8112369-0401961001401		00 04/03/2020		CONTRIBUTIONS	EFT:	737.46
0000601	00	CUSTOM METAL & FABRICATION	501-4130-441.52-12	VENDOR TOTAL *	.00	737.46
27829		00 04/03/2020		MATERIAL FOR EQ# 439	EFT:	67.81
0004946	00	EVERGY	531-4320-443.40-05	VENDOR TOTAL *	.00	67.81
6466308678	0320001428	00 04/03/2020		MONTHLY BILLING	269.75	
7011930732	0320001429	00 04/03/2020		MONTHLY BILLING	330.12	
0004449	00	FIRST OPTION BANK	301-9100-491.71-01	VENDOR TOTAL *	599.87	
03312020	001388	00 03/31/2020		2016C LEASE PAYMENT	CHECK #:	33,000.00
03312020	001389	00 03/31/2020		2016C LEASE PAYMENT	CHECK #:	5,071.50
0000028	00	GARDNER NEWS	001-1110-411.54-51	VENDOR TOTAL *	.00	38,071.50
0320016	001402	00 04/03/2020		PUBLICATION	EFT:	702.00
0004720	00	HAMM, INC.	501-4130-441.52-12	VENDOR TOTAL *	.00	702.00
301644	001430	00 04/03/2020		ROCK	214.28	
0000297	00	HERITAGE-CRYSTAL CLEAN	501-4130-441.44-02	VENDOR TOTAL *	214.28	
16202214	001431	00 04/03/2020		MONTHLY BILLING	EFT:	429.89
0000463	00	HOLIDAY CONTRACTING, INC.	501-4130-441.31-15	VENDOR TOTAL *	.00	429.89
03272020	001403	00 04/03/2020		SIDEWALK REPAIR	EFT:	1,340.00
0002671	00	KANSAS GAS SERVICE	501-4130-441.40-04	VENDOR TOTAL *	.00	1,340.00
161419073	0320 001432	00 04/03/2020		MONTHLY BILLING	497.24	
0000112	00	KANSAS ONE-CALL SYSTEM, INC.	501-4130-441.40-06	VENDOR TOTAL *	497.24	
30650	001433	00 04/03/2020		LOCATES	EFT:	25.20
30248	001434	00 04/03/2020		LOCATES	EFT:	16.80
0000332	00	KANSAS STATE TREASURER	117-9100-491.71-02	VENDOR TOTAL *	.00	42.00
033120	INT PMT 001393	00 03/31/2020		2016A PMP PHASE 1	CHECK #:	15,000.00
033120	INT PMT 001393	00 03/31/2020		2017A PMP PHASE 2	CHECK #:	15,093.75
033120	INT PMT 001393	00 03/31/2020		2018A PMP PHASE 3	CHECK #:	34,750.00

VEND NO	SEQ#	VENDOR NAME	NO	STATE	TREASURER	DATE	BANK	CHECK/DUE	ACCOUNT	DESCRIPTION	CHECK	AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
INVOICE NO		VOUCHER P.O.	NO										
0000332	00	KANSAS											
033120	INT	PMT	001393	00	03/31/2020				117-9100-491.71-02	2019E PMP	CHECK #:	100	6,963.89
033120	INT	PMT	001393	00	03/31/2020				130-9100-491.71-02	2014B KDOT REFUND TR0101	CHECK #:	100	6,331.25
033120	INT	PMT	001393	00	03/31/2020				130-9100-491.71-02	2019E SANTA FE IMPROVEMENT	CHECK #:	100	12,989.17
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2010A MAIN & MOONLIGHT	CHECK #:	100	27,817.51
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2011A PRAIRIEBROOK BD	CHECK #:	100	14,572.50
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2014A USD 231 CAMPUS BD	CHECK #:	100	19,542.19
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2014A USD 231 CAMPUS BD	CHECK #:	100	16,610.86
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2014A USD 231 CAMPUS BD	CHECK #:	100	977.11
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2014B POOL IMPROVEMENTS	CHECK #:	100	1,954.22
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2014B KDOT REFUND TR0106	CHECK #:	100	2,100.00
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2017A 09A REFUNDING	CHECK #:	100	26,350.00
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2018A JUSTICE CENTER	CHECK #:	100	31,500.00
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2018A POOL IMPROVEMENTS	CHECK #:	100	240,550.01
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2019A TUSCAN FARMS BD	CHECK #:	100	3,500.00
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2019A TUSCAN FARMS BD	CHECK #:	100	10,765.25
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2019C PLAZA SOUTH BD	CHECK #:	100	20,897.25
033120	INT	PMT	001393	00	03/31/2020				301-9100-491.71-02	2019D WAVERLY PLAZA BD	CHECK #:	100	4,618.88
033120	INT	PMT	001393	00	03/31/2020				501-9100-491.71-02	2016A 08B REFUNDING	CHECK #:	100	13,299.51
033120	INT	PMT	001393	00	03/31/2020				521-9100-491.71-02	2016B EL TRANSFORMER	CHECK #:	100	19,800.00
033120	INT	PMT	001393	00	03/31/2020				531-9100-491.71-02	2015A KDHE REFUNDING	CHECK #:	100	9,162.50
033120	INT	PMT	001393	00	03/31/2020				531-9100-491.71-02	2014A WHITE DR SAN SEWER	CHECK #:	100	37,800.00
033120	INT	PMT	001393	00	03/31/2020				551-9100-491.71-02	2019B SEWER CRANE/ST TANK	CHECK #:	100	9,321.88
033120	INT	PMT	001393	00	03/31/2020				551-9100-491.71-02	2013A REFUNDING 04D	CHECK #:	100	20,690.00
0000784	00	KEY EQUIPMENT & SUPPLY CO	001404							VENDOR TOTAL *		.00	624,751.48
259753									001-3120-431.43-02	SWEeper PARTS	EFT:	854.57	
0004949	00	LEGAL RECORD, THE	001448							VENDOR TOTAL *		.00	854.57
185324									001-1150-411.47-01	PUBLIC HEARING		11.80	
0003579	00	MID-STATES MATERIALS LLC	001435							VENDOR TOTAL *		11.80	
90749			001436						521-4230-442.52-12	LATERALS		634.34	
									531-4330-443.52-12	LATERALS		634.34	
0001382	00	MISSION COMMUNICATIONS, LLC	001405							VENDOR TOTAL *		1,268.68	
1038104									531-4320-443.31-15	ANNUAL SERVICE	EFT:	563.40	
0000130	00	MOBILFONE	001411							VENDOR TOTAL *		.00	563.40
6092416			001406						001-3120-431.40-03	MONTHLY BILLING	EFT:	8.24	
6092573			001409						501-4130-441.40-03	MONTHLY BILLING	EFT:	44.25	
6092416			001407						521-4220-442.40-03	MONTHLY BILLING	EFT:	36.32	
6092416			001410						521-4230-442.40-03	MONTHLY BILLING	EFT:	4.12	
									531-4320-443.40-03	MONTHLY BILLING	EFT:	49.76	

VEND NO	SEQ#	VENDOR NAME	INVOICE NO	VOUCHER P.O.	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EFT OR HAND-ISSUED AMOUNT
0000130	00	MOBILPHONE	6092416	001408	00	04/03/2020	531-4330-443.40-03	MONTHLY BILLING	EFT:	4.12
0000132	00	NATIONAL SIGN CO., INC.	IN-192970	001437	00	04/03/2020	551-4520-445.43-02	FUEL SHUT OFF	EFT:	146.81
0000142	00	OLATHE WINWATER WORKS	148287 02	001438	00	04/03/2020	521-4230-442.52-31	SADDLES	EFT:	59.00
0000149	00	PRAXAIR DISTRIBUTION INC	95600904	001412	00	04/03/2020	001-3116-431.44-02	CYLINDER RENTAL	EFT:	912.00
0004198	00	PROTECT YOUTH SPORTS	795927	001413	00	04/03/2020	001-6110-461.47-53	BACKGROUND CHECKS	EFT:	41.45
0004932	00	QUADIENT LEASING USA, INC.	57461575	001414	00	04/03/2020	602-1340-413.44-02	MONTHLY BILLING	EFT:	41.45
0000150	00	QUILL CORPORATION	5427425	001415	00	04/03/2020	531-4320-443.52-20	MESH WALL FILE	EFT:	77.70
0000241	00	RAY LINDSEY COMPANY	2020126	001439	00	04/03/2020	531-4320-443.52-12	TIMER	EFT:	135.00
0003305	00	RICOH USA INC	5059112083	001416	00	04/03/2020	501-4130-441.43-02	COPIER	EFT:	30.08
0003305	00	RICOH USA INC	5059148465	001440	00	04/03/2020	602-1340-413.43-02	MONTHLY BILLING	EFT:	243.04
0000946	00	RIGHT-WAY JANITORIAL INC	2901	001417	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	262.21
2901				001418	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	296.46
2901				001419	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	558.67
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	2,044.00
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	296.55
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	322.00
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	35.62
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	322.00
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	35.62
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	504.00
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	63.94
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	575.00
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	54.66
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	560.00
2901				001420	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	37.26

VEND NO	SEQ#	VENDOR NAME	INVOICE NO	VOUCHER P.O. NO	BNK CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0000946	00	RIGHT-WAY JANITORIAL INC							
2901		001420			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	700.00
2901		001420			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	70.92
2901		001420			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	3,534.38
2901		001420			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	131.52
2901		001420			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	108.92
0004120	00	RIVERGROUP DESIGN							
GRD068		001420			00 04/03/2020	001-1110-411.54-51	2020 SOTC EVITE	.00	9,396.39
0001566	00	STAPLES BUSINESS ADVANTAGE							
8057915767		001420			00 04/03/2020	001-1310-413.52-20	COPY PAPER	EFT:	179.95
8057915767		001420			00 04/03/2020	604-1320-413.52-20	COPY PAPER	EFT:	539.85
0004418	00	STEEL IMAGES, INC.							
01282020		000169			00 01/31/2020	001-6110-461.54-51	CREDIT FOR DBL PYMT	.00	719.80
0001920	00	STRATEGIC INSIGHTS, INC							
20PLAN-IT-075		001420			00 04/03/2020	602-1340-413.47-05	LICENSE RENEWAL	.00	846.00-
0000174	00	TAPCO PRODUCTS CO.							
59359		001441			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	.00	1,500.00
60747		001442			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	52.89
61826		001443			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	52.89
62852		001444			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	52.89
63866		001445			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	24.32
59362		001446			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	8.95
61829		001447			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	8.95
63869		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	8.95
59362		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	8.95
61829		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	8.95
63829		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	8.95
59364		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	22.65
61830		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	22.65
63871		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	16.70
59372		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	16.70
61835		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	26.65
63878		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	26.65
59371		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	26.65
61836		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	44.26
63877		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	13.55
60734		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	13.55
62837		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	
59361		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	
60748		001448			00 04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND- ISSUED AMOUNT
0000174	00	TAPCO PRODUCTS CO.						
61827		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	13.55
62853		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	13.55
63858		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	13.55
59337		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	98.17
60745		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	27.44
61804		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	27.44
62849		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	27.44
62844		001448	00	04/03/2020	603-3150-431.42-01	MONTHLY BILLING	EFT:	98.17
						VENDOR TOTAL *	.00	922.51
0000176	00	TIME WARNER CABLE						
25113602032320		001448	00	04/03/2020	602-1340-413.47-05	MONTHLY BILLING	119.99	
						VENDOR TOTAL *	119.99	
0000105	00	TYLER TECHNOLOGIES, INC						
025-290566		001420	00	04/03/2020	602-1340-413.47-05	MONTHLY BILLING	EFT:	200.00
						VENDOR TOTAL *	.00	200.00
0000819	00	UNITED LABORATORIES						
INV281605		PI0130 007287	00	03/06/2020	531-4330-443.52-13	LINE MAINT. SEWER WORK	EFT:	5,227.97
						VENDOR TOTAL *	.00	5,227.97
0000238	00	USA BLUE BOOK						
189352		001448	00	04/03/2020	521-4230-442.52-12	HYDRANT BAGS	EFT:	49.11
						VENDOR TOTAL *	.00	49.11
0004226	00	WATCHMEN SECURITY SERVICES						
44817		001448	00	04/03/2020	501-4120-441.31-15	VIDEO MONITORING	EFT:	365.99
						VENDOR TOTAL *	.00	365.99
						HAND ISSUED TOTAL ***		740,485.63
						EFT/EPAY TOTAL ***		45,184.76
						TOTAL EXPENDITURES ****		785,670.39
						*****		806,949.85
						GRAND TOTAL	21,279.46	

PREPARED 4/03/20, 8:32:39
PROGRAM GM342U
CITY OF GARDNER

NEGATIVE CHECK REGISTER

PAGE 1

VENDOR NUMBER VENDOR NAME

AMOUNT

4418 STEEL IMAGES, INC.

846.00-

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004884	00	JOHNSON COUNTY DISTRICT COURT			130-3130-431.62-04	AQUISITION OF PROPERTY	292,300.00	
19-CV-06746		PI0139 007296 00 03/20/2020						
0004418	00	STEEL IMAGES, INC.			001-6110-461.54-51	CREDIT FOR DBL PYMT	292,300.00	
01282020		000169		00 01/31/2020				
						VENDOR TOTAL *		846.00-
						VENDOR TOTAL * EFT:		846.00-
						EFT/EPAY TOTAL ***	.00	846.00-
						TOTAL EXPENDITURES ****	292,300.00	846.00-
						*****		291,454.00
						GRAND TOTAL		

PREPARED 4/09/20, 8:06:48
PROGRAM GM342U
CITY OF GARDNER

NEGATIVE CHECK REGISTER

PAGE 1

VENDOR NUMBER VENDOR NAME

AMOUNT

4418 STEEL IMAGES, INC.

846.00-

VEND NO	SEQ#	VENDOR NAME	VOUCHER P.O. NO	BNK CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004834	00	ADVENTHEALTH	001513	00 04/10/2020	601-1230-412.31-15	POST OFFER PHYSICALS	EFT:	401.00
569974							.00	401.00
0004340	00	ALL CITY MANAGEMENT SERVICES INC	001513	00 04/10/2020	001-2110-421.31-15	VENDOR TOTAL * CROSSING GUARD CONTRACT	EFT:	193.68
67810							.00	193.68
0000052	00	ALLENBRAND-DREWS & ASSOC. INC.	PI0145	00 02/20/2020	403-4330-443.62-10	VENDOR TOTAL * ENGINEERING SERVICES	EFT:	26,100.00
34637A							.00	26,100.00
0099999	00	ANDREA BLAKEY	001512	00 04/10/2020	001-0000-347.01-00	VENDOR TOTAL * 11/12 SB REFUND	80.00	80.00
2002810.002							80.00	80.00
0001986	00	ANIXTER, INC.	PI0131	00 03/27/2020	501-4130-441.52-25	VENDOR TOTAL * STREET LIGHTS-LED	EFT:	5,465.98
4557457-00							EFT:	2,125.18
4550574-00							EFT:	3,612.68
4551652-00							EFT:	247.96
4544188-03								
0003913	00	ARMSCOR CARTRIDGE INC	001450	00 04/10/2020	001-2120-421.52-20	VENDOR TOTAL * AMMO	.00	11,451.80
11226							1,600.00	1,600.00
0000064	00	BIG O TIRES	001451	00 04/10/2020	001-7120-471.52-04	VENDOR TOTAL * FLAT REPAIR	1,600.00	1,600.00
016001-127727							EFT:	45.68
0004675	00	BORDER STATES INDUSTRIES INC	001472	00 04/10/2020	501-4130-441.52-02	VENDOR TOTAL * SPIRAL STEP BIT KIT	.00	45.68
919738459							EFT:	525.46
0002420	00	BRENNTAG MID-SOUTH, INC	PI0132	00 03/27/2020	521-4220-442.52-13	VENDOR TOTAL * WATER TREATMENT CHEMICALS	.00	525.46
BMS546670							EFT:	5,364.52
BMS551349							EFT:	2,486.25
0001984	00	BSN SPORTS, LLC	001452	00 04/10/2020	001-6110-461.47-53	VENDOR TOTAL * YOUTH BST EQUIP	.00	7,850.77
908356265							EFT:	1,196.00
0001834	00	C & C GROUP	001473	00 04/10/2020	501-4120-441.31-15	VENDOR TOTAL * FUEL SYSTEM REPAIRS	.00	1,196.00
32662							EFT:	2,585.80
0004724	00	CATERPILLAR FINANCIAL COMMERCIAL	001474	00 04/10/2020	501-4130-441.43-02	VENDOR TOTAL * NEW TRACKS - EQP# 410	.00	2,585.80
03292020							4,824.14	4,824.14

INVOICE NO	SEQ#	VENDOR NAME VOUCHER P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND- ISSUED AMOUNT
0004724	00	CATERPILLAR FINANCIAL COMMERCIAL						
0000001	00	CENTURYLINK				VENDOR TOTAL *	4,824.14	
313680665	0420	001513	00	04/10/2020	001-6110-461.40-03	CP PHONE	62.74	
0004117	00	CENTURYLINK BUSINESS SERVICES				VENDOR TOTAL *	62.74	
1488703033	001453	00	04/10/2020	602-1340-413.40-03	MONTHLY BILLING		1,365.31	
0002321	00	CES				VENDOR TOTAL *	1,365.31	
OLA/050827	001475	00	04/10/2020	501-4120-441.43-01	LIGHT IN MEN'S BATHROOM		EFT:	43.79
0000429	00	CINTAS FIRE PROTECTION				VENDOR TOTAL *	.00	43.79
8404581443	001455	00	04/10/2020	501-4120-441.31-15	MONTHLY BILLING		EFT:	127.33
8404581443	001454	00	04/10/2020	501-4130-441.31-15	MONTHLY BILLING		EFT:	127.33
8404581443	001456	00	04/10/2020	521-4230-442.31-15	MONTHLY BILLING		EFT:	143.92
8404581443	001458	00	04/10/2020	531-4320-443.31-15	MONTHLY BILLING		EFT:	98.03
8404581443	001457	00	04/10/2020	531-4330-443.31-15	MONTHLY BILLING		EFT:	143.93
0002621	00	CLAYCO ELECTRIC CO, INC.				VENDOR TOTAL *	.00	640.54
46968	001518	00	04/10/2020	521-4220-442.43-02	PUMP REPAIR		EFT:	1,351.00
0001396	00	CLEAR WATER EQUIPMENT				VENDOR TOTAL *	.00	1,351.00
3041-543	001459	00	04/10/2020	521-4220-442.52-12	CHLORINE REBUILD KITS		EFT:	2,238.00
0003716	00	DATAPROSE				VENDOR TOTAL *	.00	2,238.00
DP2001125	001519	00	04/10/2020	604-1320-413.31-15	MONTHLY BILLING		EFT:	6,369.32
0004959	00	DIGITAL ERTH CONSULTING LLC				VENDOR TOTAL *	.00	6,369.32
03	001460	00	04/10/2020	531-4320-443.31-15	SEWAGE SLUDGE DISPOSAL		EFT:	3,840.00
0002738	00	DITCH WITCH PLATINIUM CARD				VENDOR TOTAL *	.00	3,840.00
03282020	001476	00	04/10/2020	501-4130-441.52-04	ANTENNA & CLEVIS FOR BORE		93.45	
0003481	00	DPC INDUSTRIES INC				VENDOR TOTAL *	93.45	
817000606-20	PI0140	007246	00	04/01/2020	521-4220-442.52-13	WATER TREATMENT CHEMICALS	EFT:	1,140.00
0004946	00	EVERGY				VENDOR TOTAL *	.00	1,140.00
2424383255	0420001461	00	04/10/2020	521-4220-442.40-05	MONTHLY BILLING		12,586.89	
9279570154	0420001462	00	04/10/2020	521-4220-442.40-05	MONTHLY BILLING		6,307.55	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND- ISSUED AMOUNT
0004946	00	EVERGY	00	04/10/2020	521-4220-442.40-05	MONTHLY BILLING	77.73	
4469208877	0320001463							
0000855	00	EWING IRRIGATION PRODUCTS, INC				VENDOR TOTAL *	18,972.17	
9265954	001464	00 04/10/2020			001-6120-461.52-01	TURF SERVICE PROGRAM	347.20	
9176337	001465	00 04/10/2020			001-6120-461.52-01	TURF SERVICE PROGRAM	652.92	
9341510	001513	00 04/10/2020			001-6120-461.52-01	TURF SERVICE PROGRAM	3,636.12	
0000937	00	FLAGSOURCE UNLIMITED, INC				VENDOR TOTAL *	4,636.24	
43355	001513	00 04/10/2020			001-2110-421.52-20	KANSAS FLAG	EFT:	239.25
0000086	00	GALLS, LLC				VENDOR TOTAL *	.00	239.25
015381671	001469	00 04/10/2020			001-2120-421.53-02	HOLSTER - BADGE ID HOLDER	EFT:	61.94
015409715	001513	00 04/10/2020			001-2120-421.52-20	POLICE LINE TAPE	EFT:	85.90
0000088	00	GARDNER ANIMAL HOSPITAL, P.A. INC.				VENDOR TOTAL *	.00	147.84
6277	PI0133 007291	00 03/26/2020			001-2130-421.31-17	SHELTER FEES 2ND QTR	23,700.00	
0001101	00	GARDNER DISPOSAL SERVICE, INC.				VENDOR TOTAL *	23,700.00	
03012020	001469	00 04/10/2020			001-6120-461.40-02	MONTHLY BILLING	EFT:	335.00
04012020	001513	00 04/10/2020			001-6120-461.40-02	MONTHLY BILLING	EFT:	670.00
0000181	00	GRAINGER				VENDOR TOTAL *	.00	1,005.00
9478642714	001469	00 04/10/2020			521-4220-442.52-12	PRESSURE GAUGES	EFT:	142.00
0000013	00	HACH COMPANY				VENDOR TOTAL *	.00	142.00
11896082	001469	00 04/10/2020			521-4220-442.52-12	CHEMICALS	EFT:	39.39
11898119	001469	00 04/10/2020			521-4220-442.52-12	CHEMICALS	EFT:	86.35
11894662	001469	00 04/10/2020			521-4220-442.52-12	CHEMICALS	EFT:	1,396.38
11887423	001469	00 04/10/2020			521-4220-442.52-12	CHEMICALS	EFT:	59.67
0000297	00	HERITAGE-CRYSTAL CLEAN				VENDOR TOTAL *	.00	1,581.79
16208293	001477	00 04/10/2020			001-3116-431.31-15	WASTE OIL	EFT:	245.00
0099999	00	HOLLI BEUKEL				VENDOR TOTAL *	.00	245.00
2002808.002	001510	00 04/10/2020			001-0000-347.01-00	T-BALL REFUND	60.00	
0001536	00	ICE-MASTERS, LLC				VENDOR TOTAL *	60.00	
152415	001469	00 04/10/2020			001-3120-431.44-02	ICE MACHINE RENTAL	EFT:	30.00
152414	001469	00 04/10/2020			501-4130-441.44-02	ICE MACHINE RENTAL	EFT:	83.00

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0001536	00	ICE-MASTERS, LLC						
152415		001469	00	04/10/2020	521-4230-442.44-02	ICE MACHINE RENTAL	EFT:	31.00
152415		001469	00	04/10/2020	531-4330-443.44-02	ICE MACHINE RENTAL	EFT:	31.00
0000102	00	ICMA RETIREMENT TRUST - 457						
312938		001498	00	04/10/2020	721-0000-202.03-04	VENDOR TOTAL *	.00	175.00
0004859	00	JACKSON LEWIS					CHECK #:	8,079.01
7520269		001513	00	04/10/2020	001-1140-411.31-02	VENDOR TOTAL *	.00	8,079.01
0003056	00	KANSAS DEPT OF HEALTH&ENVIRONMENT					EFT:	584.00
04012020		001520	00	04/10/2020	521-4220-442.31-15	VENDOR TOTAL *	.00	584.00
0002671	00	KANSAS GAS SERVICE					1,640.00	
105888591	0320	001513	00	04/10/2020	001-2110-421.40-04	VENDOR TOTAL *	1,640.00	
105962227	0320	001469	00	04/10/2020	001-6120-461.40-04	MONTHLY BILLING	91.45	
						SHOP GAS	649.17	
0000112	00	KANSAS ONE-CALL SYSTEM, INC.					740.62	
30246		001469	00	04/10/2020	001-3120-431.31-15	VENDOR TOTAL *		
30246		001469	00	04/10/2020	001-4130-441.40-06	STORMWATER LOCATING SVC	EFT:	126.30
30247		001478	00	04/10/2020	501-4130-441.40-06	ELECTRIC LOCATING SERVICE	EFT:	126.30
30246		001469	00	04/10/2020	521-4230-442.40-06	LOCATES	EFT:	13.20
30246		001469	00	04/10/2020	531-4330-443.40-06	WATERLINE LOCATING SVC	EFT:	126.30
						SEWERLINE LOCATING SVC	EFT:	126.30
0099999	00	KERRI SHORT					.00	518.40
2002804.002		001506	00	04/10/2020	001-0000-347.11-00	VENDOR TOTAL *	40.00	
0099999	00	KIM THIESMAN					40.00	
2002805.002		001509	00	04/10/2020	001-0000-347.01-00	VENDOR TOTAL *	75.00	
0099999	00	KIM TOPLIKAR					75.00	
2002807.002		001505	00	04/10/2020	001-0000-347.11-00	VENDOR TOTAL *	85.00	
2002806.002		001507	00	04/10/2020	001-0000-228.40-00	SR. CTR RENTAL REFUND	85.00	
0001626	00	KMEA GRDA OPERATING ACCT					170.00	
GRDA-GD-20-05		001469	00	04/10/2020	501-4120-441.41-01	SR CTR DEPOSIT REFUND	EFT:	196,531.48
0003399	00	KMEA WAPA OPERATING FUND					.00	196,531.48
WAPA-GA-20-04		001469	00	04/10/2020	501-4120-441.41-01	VENDOR TOTAL *	EFT:	6,277.71
0002489	00	KPERS					.00	6,277.71

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0002489	00	KPERS	00	04/10/2020	721-0000-202.03-01	040920 PAY PERIOD	CHECK #: 112	40,136.52
1537207		001499				VENDOR TOTAL *	.00	40,136.52
0003568	00	KPERS RETIREMENT	00	04/10/2020	721-0000-202.03-03	040920 PAY PERIOD	CHECK #: 118	1,560.67
1537208		001500				VENDOR TOTAL *	.00	1,560.67
0002490	00	KPF	00	04/10/2020	721-0000-202.03-02	040920 PAY PERIOD	CHECK #: 113	23,807.41
1537209		001501				VENDOR TOTAL *	.00	23,807.41
0004937	00	LAN-TEL COMMUNICATIONS SERVICES	00	04/10/2020	117-3120-431.62-05	BOND-CONCRETE	EFT:	20,409.65
4-PW1903		PI0136 007205		04/06/2020	117-3120-431.62-05	PAVEMENT MGMT CONCRETE CO	EFT:	85,655.95
4-PW1903		PI0138 007272		04/06/2020				
0099999	00	MICHELLE ANDERSON	00	04/10/2020	001-0000-347.01-00	T-BALL REFUND	.00	106,065.60
2002812.002		001513			001-0000-347.01-00	7/8 SB REFUND	60.00	
2002811.002		001513					70.00	
0099999	00	MICHELLE MACKIE	00	04/10/2020	001-0000-347.11-00	VENDOR TOTAL *	130.00	
2002814.002		001504			001-0000-347.11-00	SR. CTR RENTAL REFUND	110.00	
2002813.002		001508			001-0000-228.40-00	SR CTR DEPOSIT REFUND	85.00	
0004780	00	MUNICIPAL H2O	00	03/16/2020	521-4210-442.31-15	AWIA CERTIFICATION	195.00	
9705		PI0142 007294					4,900.00	
0004783	00	NAGARAJU, SHRUTHI	00	04/10/2020	001-1140-411.46-03	VENDOR TOTAL *	4,900.00	
11222019		001493			001-1140-411.46-03	IPMA HR COURSE FEE	999.00	
11222019		001494			001-1140-411.46-03	IPMA HR BOOK	129.63	
11222019		001495			001-1140-411.46-03	IPMA HR STUDY GUIDE	100.00	
0004957	00	NEXGRID, LLC	00	04/10/2020	501-4140-441.63-73	VENDOR TOTAL *	1,228.63	4,520.79
2020063		001469				SMART METERS	EFT:	4,520.79
0000144	00	O'REILLY AUTOMOTIVE, INC.	00	04/10/2020	501-4120-441.43-01	VENDOR TOTAL *	.00	194.34
0354-147727		001483			501-4130-441.52-12	FILTERS - SHOP STOCK	EFT:	17.47
0354-147265		001479			501-4130-441.52-02	HOSE FITTINGS FOR SHOP	EFT:	35.61
0354-147427		001480			501-4130-441.52-12	ALLEN SOCKETS-SHOP USE	EFT:	21.87
0354-147512		001481			501-4130-441.52-09	OIL DRY SHOP STOCK	EFT:	61.27
0354-147512		001482			501-4130-441.52-12	ANTIFREEZE - SHOP STOCK	EFT:	21.88
0354-149561		001484			501-4130-441.52-09	PAINT REMOVER-SHOP USE	EFT:	26.14
0354-149669		001485			501-4130-441.52-09	BRAKE PARTS - SHOP STOCK	EFT:	43.60
0354-150412		001486			501-4130-441.52-04	DRIVE BELT - TR# 408		

VEND NO		SEQ#	VENDOR NAME		BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	NO		VOUCHER P.O.	NO	NO	DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED

0000144	00		O'REILLY AUTOMOTIVE, INC.							
0354-150554			001487	00	04/10/2020		501-4130-441.52-02	FILTERS - EQ# 430	EFT:	36.18
0354-150555			001488	00	04/10/2020		501-4130-441.52-02	FILTER FOR MINI EXCAVATOR	EFT:	9.26
0354-150555			001489	00	04/10/2020		501-4130-441.52-02	CREDIT FOR RETURN	EFT:	3.45-
0354-150852			001490	00	04/10/2020		501-4130-441.52-04	FILTERS FOR EQ# 442	EFT:	43.53
0000142	00		OLATHE WINWATER WORKS					VENDOR TOTAL *	.00	507.70
148287	00		PI0134	007292	00	03/20/2020	521-4230-442.52-12	LINE MAINTENANCE SUPPLIES	EFT:	650.00
148287	00		PI0135	007292	00	03/20/2020	521-4230-442.52-31	LINE MAINTENANCE SUPPLIES	EFT:	5,888.00
148014	00		PI0143	007295	00	03/20/2020	521-4230-442.52-12	LINE MAINTENANCE SUPPLIES	EFT:	2,055.00
148014	00		PI0144	007295	00	03/20/2020	521-4230-442.52-32	LINE MAINTENANCE SUPPLIES	EFT:	3,066.80
0000256	00		OTTAWA COOP					VENDOR TOTAL *	.00	12,659.80
48397	0320		001492	00	04/10/2020		001-3120-431.52-09	DIESEL FUEL	EFT:	314.17
48397	0320		001491	00	04/10/2020		521-4220-442.52-09	DIESEL FUEL	EFT:	521.06
0001569	00		PAYCOR, INC					VENDOR TOTAL *	.00	835.23
9615930			001502	00	04/10/2020		001-1310-413.31-15	PAYROLL SERVICES	CHECK #:	107
0000149	00		PRAXAIR DISTRIBUTION INC					VENDOR TOTAL *	.00	547.73
95283234			001470	00	04/10/2020		001-6120-461.44-02	CYLINDER RENTAL	EFT:	48.10
95904503			001513	00	04/10/2020		001-6120-461.44-02	CO2 RENTAL	EFT:	45.80
0003110	00		REJIS COMMISSION					VENDOR TOTAL *	.00	93.90
434868			001469	00	04/10/2020		001-2110-421.31-15	REJIS TRANSACTIONS	EFT:	90.28
0099999	00		RONALD D REYNOLDS					VENDOR TOTAL *	.00	90.28
74489			001496	00	04/10/2020		001-0000-349.01-00	OVER-PAYMENT OF FINES		162.00
0099999	00		SHAWNA SHARP					VENDOR TOTAL *	162.00	
2002809.002			001511	00	04/10/2020		001-0000-347.01-00	7/8 BB REFUND	70.00	
0001566	00		STAPLES BUSINESS ADVANTAGE					VENDOR TOTAL *	70.00	
8057915775			001513	00	04/10/2020		001-2110-421.52-20	OFFICE SUPPLIES	EFT:	96.41
00004418	00		STEEL IMAGES, INC.					VENDOR TOTAL *	.00	96.41
01282020			000169	00	01/31/2020		001-6110-461.54-51	CREDIT FOR DBL PYMT	EFT:	846.00-
00004785	00		SUMNERONE, INC					VENDOR TOTAL *	.00	846.00-
2497387			001469	00	04/10/2020		602-1340-413.43-02	MONTHLY BILLING	EFT:	454.13

VEND NO	SEQ#	VENDOR NAME	VOUCHER P.O. NO	BNK CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND- ISSUED AMOUNT
0004785	00	SUMNERONE, INC						
0004352	00	TRANSUNION RISK & ALTERNATIVE DATA				VENDOR TOTAL *	.00	454.13
196409-202003-1001469		00 04/10/2020			001-2110-421.31-15 TLO		150.00	
0000366	00	WARDROBE CLEANERS INC,				VENDOR TOTAL *	150.00	
04042020		001513		00 04/10/2020	001-2120-421.42-02 DRY CLEANING		489.50	
0004600	00	WILSON & COMPANY, INC				VENDOR TOTAL *	489.50	
89065		PI0141 007282 00 03/31/2020			130-3130-431.62-04 WATERLINE RELOCATION		EFT:	1,190.00
88750		PI0146 007282 00 03/13/2020			130-3130-431.62-04 WATERLINE RELOCATION		EFT:	1,050.50
						VENDOR TOTAL *	.00	2,240.50
						HAND ISSUED TOTAL ***		74,131.34
						EFT/EPAY TOTAL ***		400,138.65
						TOTAL EXPENDITURES *****	65,384.80	474,269.99
						GRAND TOTAL *****		539,654.79

PREPARED 4/10/20, 8:34:03
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CITY OF GARDNER

NEGATIVE CHECK REGISTER

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VENDOR NUMBER VENDOR NAME

AMOUNT

4418 STEEL IMAGES, INC.

846.00-

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0099999	00	ANDERSON, ARIEL	00	04/08/2020	501-0000-229.00-00	FINAL BILL REFUND	133.10	
000062401		UT						
0099999	00	BEDOLLA, JOSE	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	133.10	
000060027		UT				FINAL BILL REFUND	7.90	
0099999	00	CLOON, TED	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	7.90	
000001531		UT				FINAL BILL REFUND	115.36	
0099999	00	COX, BRIAN	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	115.36	
000051387		UT				FINAL BILL REFUND	9.59	
0099999	00	ELKURD, DESTANEY	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	9.59	
000061025		UT				FINAL BILL REFUND	5.77	
0099999	00	FLETCHER, DEBORAH	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	5.77	
000057109		UT				FINAL BILL REFUND	26.97	
0099999	00	GREER, AMANDA	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	26.97	
000062805		UT				FINAL BILL REFUND	843.65	
0099999	00	LEEKER, ROSE	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	843.65	
000009713		UT				FINAL BILL REFUND	5.56	
0099999	00	MCAFEE, JACOB	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	5.56	
000059795		UT				FINAL BILL REFUND	81.55	
0099999	00	MEYER BROTHERS BUILDING CO	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	81.55	
000061773		UT				FINAL BILL REFUND	502.73	
0099999	00	MUNDELL, LINDA	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	502.73	
000004371		UT				FINAL BILL REFUND	1,105.37	
0099999	00	NGUYEN, LAN	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	1,105.37	
000063193		UT				FINAL BILL REFUND	112.57	
0099999	00	OLSON, WHITNEY & VALEREE	00	04/08/2020	501-0000-229.00-00	VENDOR TOTAL *	112.57	
000059089		UT				FINAL BILL REFUND	33.94	

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0099999	00	OLSON, WHITNEY & VALEREE						
0004418	00	STEEL IMAGES, INC.				VENDOR TOTAL *	33.94	
01282020	000169	00 01/31/2020			001-6110-461.54-51	CREDIT FOR DBL PYMT	EFT:	846.00-
0099999	00	WEBER, JESUS				VENDOR TOTAL *	.00	846.00-
000060873	UT	00 04/08/2020			501-0000-229.00-00	FINAL BILL REFUND	172.38	
0099999	00	WOLTKAMP, BONNIE				VENDOR TOTAL *	172.38	
000061837	UT	00 04/08/2020			501-0000-229.00-00	FINAL BILL REFUND	59.90	
0099999	00	WOMBLE, LORI				VENDOR TOTAL *	59.90	
000063173	UT	00 04/08/2020			501-0000-229.00-00	FINAL BILL REFUND	130.69	
						VENDOR TOTAL *	130.69	846.00-
						EFT/EPAY TOTAL ***		846.00-
						TOTAL EXPENDITURES ****		2,501.03

						GRAND TOTAL	3,347.03	

PREPARED 4/10/20, 8:55:06
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CITY OF GARDNER

NEGATIVE CHECK REGISTER

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VENDOR NUMBER VENDOR NAME

AMOUNT

4418 STEEL IMAGES, INC.

846.00-

COUNCIL ACTION FORM

CONSENT AGENDA ITEM NO. 3

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: ALAN ABRAMOVITZ, HUMAN RESOURCES MANAGER
MATT WOLFF, FINANCE DIRECTOR

Agenda Item: Consider authorizing the execution of a master services consulting agreement with American Fidelity Administration, LLC., including a statement of work for patient protection and Affordable Care Act (ACA) compliance

Strategic Priority: Fiscal Stewardship

Department: Administration – Human Resources
Finance Department

Staff Recommendation:

Staff recommends authorizing the City Administrator to execute a master services consulting agreement with American Fidelity Administration, LLC., including a statement of work for patient protection and Affordable Care Act (ACA) compliance: time and eligibility tracking and employer reporting.

Background/Description of Item:

At the January 21, 2020 City Council meeting, the City Council approved entering into a three-year agreement with CBIZ Benefits & Insurance Services, Inc. for employee benefits consulting services. Since the approval of this agreement, City staff has worked closely with CBIZ both to determine the best insurance options for the City of Gardner and to prepare to leave Midwest Public Risk (MPR).

At the March 16, 2020 City Council meeting, items authorizing the adoption of health insurance plans from Humana and adopting a resolution authorizing the City of Gardner to withdraw participation from MPR were presented and approved.

As part of the transition away from MPR, the City will also need to obtain the services of provider for ACA reporting services. CBIZ and City staff met with American Fidelity Administration, LLC, the City's current provider of ACA reporting services, to determine if it would be possible to continue utilizing these services once the City left MPR. American Fidelity Administration, LLC provided the attached agreement for the continuation of services.

Financial Impact:

The base cost of this contract is \$995 per year, plus an additional \$3.50 per employee for 1095-C mailings (minimum 250 employees), and an additional \$1.00 per employee per month charge for tracking services.

As the number of employees is subject to minor fluctuations, there will be minor fluctuations in the total cost of this contract due to the \$1.00 per employee per month tracking charge. Assuming an average of 150 employees, the annual cost to the City would be approximately \$3,670.

Attachments included:

- Agreement, including statement of work

Suggested Motion:

Authorize the City Administrator to execute a master services consulting agreement with American Fidelity Administration, LLC., including a statement of work for patient protection and Affordable Care Act (ACA) compliance: time and eligibility tracking and employer reporting.

MASTER CONSULTING SERVICES AGREEMENT

This MASTER CONSULTING SERVICES AGREEMENT (“Master Agreement”) is entered into effective as of the 1st day of July, 2020, (“Effective Date”) by and among CITY OF GARDNER, KS (hereinafter “Client”) and AMERICAN FIDELITY ADMINISTRATIVE SERVICES, LLC (hereinafter “Consultant”).

WHEREAS, the parties desire for Consultant to provide services to Client with respect to certain employee benefit plans sponsored by Client (“Client’s Plans”) and under the terms set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Scope. This Master Agreement is comprised of the general terms and conditions set forth herein (the “Terms and Conditions”) and each properly executed Scope of Work (“SOW”) to be attached hereto and incorporated by reference herein. Consultant shall provide certain services to Client as specified in a SOW (the “Services”). Each time Client engages Consultant to perform services, a new SOW shall be prepared specifying the scope of the services specific to that engagement. Consultant shall have the right, at all times, to perform similar services for other person(s) or business entities.

2. Term. The term of this Master Agreement shall commence on the Effective Date and shall continue in full force and effect until terminated as set forth in Section 11 herein or as provided relative to a particular SOW, pursuant to the terms of such SOW; provided, however, the term and conditions of this Agreement will continue to govern any outstanding SOWs until the last SOW is terminated in accordance with its terms.

3. Fees and Records. In consideration of Services performed, Client agrees to pay Consultant in accordance with each SOW. Unless otherwise expressly set forth in any given SOW, Client shall be responsible for actual out-of-pocket expenses (e.g., overnight charges, extensive reproduction costs) and travel costs incurred by Consultant in connection with its provision of the Services. Client shall also be responsible for all sales taxes and other similar tax obligations in connection with its receipt of the Services from Consultant. Such expenses, taxes, and other obligations shall be owed above and beyond any professional fees. Client is exempt from paying sales tax. Client’s tax exemption certificate is attached hereto as Ex. [X].

4. Invoicing and Payment. Consultant will deliver an invoice to Client for fees and expenses each month unless otherwise specified in the SOW. Payment of the amounts indicated on the invoice is due upon receipt of the invoice, but no later than 30 days from the invoice.

5. Client Resources and Data. In addition to any responsibilities imposed on Client by the terms of a SOW, Client agrees that Consultant shall have ready access to Client’s staff and resources as necessary to perform the Services pursuant to a SOW. In addition, Client will provide to Consultant all data necessary to complete the Services specified in a SOW, in a format agreed to by both parties. In the performance of the Services, Consultant may rely upon, and will have

no obligation to independently verify the accuracy, completeness, or authenticity of, any written instructions or information provided to Consultant by the Client or its designated representatives and reasonably believed by Consultant to be genuine and authorized by the Client. In addition, if Consultant receives inaccurate, incomplete, or improperly formatted information, any additional time and expense required to correct the information will be billed to Client as additional Services, upon prior notice to Client, at a rate of \$250.00 per hour.

6. Relationship of Parties.

a. Consultant is, and shall at all times remain, an independent contractor with respect to the Client. Consultant and each of Consultant's employees, principals, and subcontractors shall not be deemed for any purpose to be Client's employees; and they shall not be entitled to any claims, rights, benefits and privileges to which an employee of Client or any of its respective affiliates may be entitled under any retirement, pension, insurance, medical or other plans which may now be in effect or which may hereafter be adopted. Client is not responsible to any governing body or to Consultant for paying or withholding payroll taxes and other employee expenses related to payments made to Consultant. Notwithstanding anything to the contrary, this Master Agreement does not, and shall not be deemed to, constitute a partnership or joint venture between the parties and neither party nor any of their respective directors, officers, employees or agents shall, by virtue of the performance of their obligations under this Master Agreement, be deemed to be an agent or employee of the other. No party has the authority to bind another party except to the extent approved in writing by the party to be bound.

b. Notwithstanding any provision in this Master Agreement to the contrary, the Client agrees and acknowledges that (i) this Master Agreement, any SOW executed pursuant to this Master Agreement or the performance by the Consultant hereunder are not intended in any way to impose on Consultant or any of its affiliates a fiduciary status under the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), or any other applicable law; and (ii) this Master Agreement does not provide Consultant, and the Client will not cause or permit Consultant to assume, without prior written consent of Consultant, any (A) discretionary authority or discretionary control respecting management of any "employee benefit plan" within the meaning of Section 3(3) of ERISA (an "ERISA Plan"), (B) authority or control respecting management or disposition of the assets of any ERISA Plan, or (C) discretionary authority or discretionary responsibility in the administration of any ERISA Plan.

c. The Client acknowledges and agrees that the Services do not and shall not constitute the practice of law, accountancy or any other profession by the Consultant and that the Consultant has recommended to Client that all work performed by Consultant be reviewed by Client's independent tax and legal counsel. All compliance assistance work performed by Consultant will relate to compliance with federal laws imposing obligations with respect to Client's Plans. The parties agree that Consultant will not consider any State laws or regulations unless expressly set forth in a SOW. Finally, any Federal tax information provided in writing pursuant to this Master Agreement is not intended or written, and cannot be used, for the purpose of (i) avoiding penalties imposed by the Internal Revenue Code, or (ii) promoting, marketing, or recommending to another party any transaction or matter that is contained in our written work products. Consultant shall

rely upon information provided by Client and will not have a duty to verify accuracy of such information.

7. Intellectual Property.

a. Any patented or otherwise legally protectable invention, process, discovery, technique, know-how, proprietary method or copyrightable expression (1) belonging to and used by Consultant or its contractors for the benefit of Client in connection with this Agreement, or (2) made or developed by Consultant during the course of providing the Services hereunder, shall remain and be the property of Consultant. However, Consultant shall not receive any royalty related to the use of such invention in providing the Services to Client.

b. All documents produced by Consultant in any form, including the electronic versions thereof (“Deliverables”), are instruments of service of Consultant. The copyright and other intellectual property rights in all documents and expressions (including without limitation any memoranda, spreadsheets, drawings, maps or computer programs) prepared or compiled by Consultant hereunder shall remain vested in Consultant; however, Client shall have a free, non-transferable license to use documents supplied by Consultant for Client’s internal use and only for the purpose specified in the related SOW. Without limiting the foregoing, other than as contemplated within a SOW, Client shall not provide such Deliverables to any third person without the written consent of the Consultant. Any liability arising out of use of Deliverables by Client for purposes other than for which they were created or out of non-permitted use by any third party shall be the responsibility of Client, who shall indemnify Consultant against all claims, costs, damages, expenses or losses arising out of such unauthorized use.

8. Confidential Information. In connection with the Services, each party will have access to confidential information including, but not limited to trade secrets, data, business plans, customer information, marketing information, personnel information and financial matters which are made available by the other party or the other party’s clients (collectively, “Confidential Information”). Each party shall protect Confidential Information in the same manner as it protects its own Confidential Information of like kind, but in no event less than a reasonable degree of care. The receiving party will only use the Confidential Information to exercise its rights or carry out its obligations under this Master Agreement or a SOW. The receiving party will restrict access to Confidential Information to only its employees or consultants who (a) require such access in the course of their assigned duties and responsibilities; and (b) who have been informed of the receiving party’s obligations of confidence and (c) have agreed in writing to preserve the confidentiality of such information under terms and conditions no less restrictive than those set forth herein. In the event that any Confidential Information is required to be disclosed pursuant to any law, code or regulation, if permitted by law, the receiving party will give the disclosing party immediate notice thereof and will use its efforts to seek or to cooperate with the disclosing party in seeking a protective order with respect thereto. Upon termination of this Master Agreement, Confidential Information shall be returned to the disclosing party or certified as destroyed at the disclosing party’s option.

9. Performance of Services.

a. Consultant shall, subject to the provisions of this Master Agreement, including without limitation the obligations of the Client to provide accurate information and to pay the Consultant's compensation hereunder, and upon timely receipt of all data, information, approvals, site access or other information or assistance to be provided by Client, carry out and complete the Services specifically agreed upon in this Master Agreement or in a SOW.

b. Consultant agrees that the Services will be performed in a professional and timely manner in accordance with accepted industry standards.

10. HIPAA Compliance. If and to the extent any of the Services involve disclosure, transmission, creation or use of Client's Protected Health Information, the parties shall enter into a Business Associate Agreement prior to any such transmission, disclosure, creation or use. Client agrees to (i) notify Consultant prior to any transmission or other disclosure of Protected Health Information to Consultant and request Consultant to enter into the Business Associate Agreement, and (ii) cause any third person who may transmit or otherwise disclose Protected Health Information to Consultant on behalf of Client to abide by the terms of this paragraph. As used herein, "Protected Health Information" means any and all information considered "protected health information" under 45 C.F.R. 160.103 (as may be amended from time to time) and is limited to the information created, received or transmitted by Consultant from or on behalf of Client pursuant to this Agreement.

11. Termination.

a. In the event of Client's failure to pay amounts due, this Master Agreement and any existing SOW shall automatically terminate after 90 days of Client's non-payment. Consultant may, but shall not be obligated to, send Client reminder(s) of invoices.

b. Either party may terminate this Master Agreement or any SOW upon a breach of a material non-monetary provision hereof, provided that the terminating party provides written notice of the breach and a thirty (30) day opportunity for the breaching party to cure. The written notice shall contain sufficient information to allow the breaching party to correct the deficiency.

c. Either party may terminate the Master Agreement or any SOW for convenience upon 30 days' written notice.

d. After termination, the terms and conditions of this Master Agreement will continue to govern any outstanding SOWs until the last SOW is terminated in accordance with its terms. Any termination will not relieve Client of the obligation to pay all amounts owing to Consultant through the date of termination.

12. Disputes, Limitation of Liability and Indemnification.

a. **Dispute Resolution.** In the event of a dispute, Client agrees to inform Consultant of such dispute and the parties agree to make a good faith attempt to reach a

mutually acceptable resolution. If they are unable to reach agreement, then each party is free to seek legal recourse.

b. Disclaimer. OTHER THAN AS PROVIDED HEREIN OR AS PROVIDED WITHIN A SOW NO OTHER WARRANTY, EXPRESS OR IMPLIED, IS MADE OR INTENDED RELATED TO THE SERVICES PROVIDED.

c. Limit of Liability. IN RECOGNITION OF THE RELATIVE RISKS RELATED TO THE SERVICES PROVIDED AND THE CONSIDERATION TO BE RECEIVED BY THE CONSULTANT FOR SUCH SERVICES, TO THE FULLEST EXTENT PERMISSIBLE BY LAW, CONSULTANT'S MAXIMUM LIABILITY FOR ANY AND ALL CLAIMS UNDER ANY THEORY FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY OF THE SERVICES PROVIDED TO CLIENT PURSUANT TO THIS AGREEMENT INCLUDING, WITHOUT LIMITATION, ANY LIABILITY FOR NEGLIGENCE, SHALL NOT EXCEED THE AMOUNT OF FEES ACTUALLY PAID TO CONSULTANT BY CLIENT UNDER THIS MASTER AGREEMENT OR A SOW IN THE TWELVE MONTHS PRIOR TO THE DATE OF LOSS WITH RESPECT TO THE SERVICES DIRECTLY RELATING TO AND FORMING THE BASIS OF SUCH CLAIM. WITHOUT LIMITING THE FOREGOING, IN THE ABSENCE OF GROSS NEGLIGENCE OR MISCONDUCT BY CONSULTANT, IN NO EVENT SHALL CONSULTANT BE LIABLE TO CLIENT OR ANY THIRD PERSON FOR ANY TAX, PENALTY OR FEE IMPOSED ON CLIENT OR ANY THIRD PERSON BY ANY GOVERNMENTAL AUTHORITY EVEN IF THE SOURCE OF SUCH TAX, PENALTY OR FEE IS THE SERVICES OR/AND DELIVERABLES OR ANY DEFECT IN EITHER OF THEM.

d. Indemnification. Consultant agrees to indemnify, and hold harmless the Client, officers and employees from and against all claims, liabilities, judgments and expenses arising from personal or bodily injuries, property damage or monetary damage directly caused by Consultant's negligence. To the fullest extent permissible by law, Client will indemnify and hold Consultant and its personnel, contractors and third-party suppliers of services and tools (including computer software) harmless from any and all claims, liabilities, and expenses relating to negligent actions or omissions, or breach of contract by Client or its personnel. This section shall survive termination of this Master Agreement.

13. Miscellaneous.

a. Notices. All notices hereunder must be in writing, and may be sent by email, with delivery receipt, by certified mail, return receipt requested, or by overnight courier service, to the notice address set forth below each party's signature, or to such other addresses as may be stipulated in writing by the parties. Unless otherwise provided, notice shall be effective on the date it is officially recorded as delivered by return receipt or equivalent.

b. Entire Agreement; Amendment; Severability. This Master Agreement, incorporated agreements and each properly executed SOW supersede all prior agreements, arrangements and undertakings between the parties and constitutes the entire agreement between the parties relating to the subject matter hereof. This Master Agreement may not be amended except by written instrument executed by both parties. In the event of a conflict between the terms of any given SOW and this Master Agreement, the terms of this Master Agreement shall control, unless such SOW expressly states that it is amending the terms of the Master Agreement with respect to such SOW. The invalidity or unenforceability of any provision of this Master Agreement shall in no way affect the validity or enforceability of any other provision of this Master Agreement.

c. Assignment and Sub-Contracting. Consultant may sub-contract the Services hereunder with the prior written consent of Client. Consultant may also, for the benefit of Client, retain any necessary independent third-party actuarial experts, in connection with performance of the Services hereunder. Client may not assign the Services or any other rights hereunder or under a SOW without Consultant's written consent.

d. Force Majeure. If either party is prevented from performing any of its duties and obligations hereunder (other than duties or obligations with respect to payment) in a timely manner by reason of any act of God, strike, labor dispute, flood, public disaster, equipment or technical malfunctions or failures, power failures or interruptions or any other reason beyond its reasonable control, such condition shall be deemed to be a valid excuse for delay of performance or for nonperformance of any such duty or obligation for the period during which such conditions exist provided that the party so prevented from performance shall exercise due diligence and commercially reasonable efforts to satisfy its duties and obligations.

e. No Waiver. The waiver of any breach or failure of a term or condition of this Master Agreement by any party shall not be construed as a waiver of any subsequent breach or failure of the same term or condition, or a waiver of any other breach or failure of a term or condition of this Master Agreement.

f. Governing Law. With the exception of laws relating to the creation, existence, operation and liability of Client, this Master Agreement and all SOWs shall be governed by, and construed in accordance with, the laws of the State of Oklahoma applicable to contracts made and performed in Oklahoma without regard to conflict of laws principles. Matters relating to the creation, existence, operation and liability of Client shall be governed by the laws of the State of Kansas. The parties hereto submit to the exclusive jurisdiction of the appropriate court in Oklahoma City, for the purpose of resolving any dispute relating to the subject matter of this Master Agreement or the relationship between the parties pursuant to this Master Agreement.

g. Counterparts. This Master Agreement and any SOW may be executed in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same agreement. The parties may utilize electronic means to execute and transmit counterparts, which shall be deemed as valid as originals.

WHEREFORE, for the purpose of being bound, the parties execute this Master Agreement by their duly authorized representatives.

CITY OF GARDNER, KS

Name:

Title:

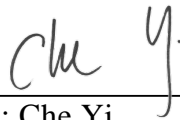
Date:

Notice Address:

120 East Main

Gardner, KS 66030

AMERICAN FIDELITY ADMINISTRATIVE SERVICES, LLC



Name: Che Yi

Title: Chief Administrative Officer

Date: 04/09/2020

Notice Address:

American Fidelity Administrative Services, LLC

Attn: Manager

9000 Cameron Parkway

Oklahoma City, OK 73114

Che.Yi@AmericanFidelity.com

AND

American Fidelity LAW Department

9000 Cameron Parkway

Oklahoma City, OK 73114

Anne.Nicholson@AmericanFidelity.com

STATEMENT OF WORK
TO THE MASTER CONSULTING SERVICES AGREEMENT (the “MASTER AGREEMENT”) BETWEEN CITY OF GARDNER, KS (“CLIENT” or “you” or “your”) AND AMERICAN FIDELITY ADMINISTRATIVE SERVICES, LLC (“CONSULTANT” or “we” or “us” or “our”)

PROJECT: Patient Protection and Affordable Care Act (“ACA”) Compliance: Time and Eligibility Tracking (“Tracking Service”) and Employer Reporting (“Reporting Service”; the Tracking Service and Reporting Service may be referred to individually as a “Service” or together as the “Services”)

A. TERMS AND CONDITIONS. This statement of work (“SOW”) is made and entered into effective as of the 1st day of July, 2020 (the “Effective Date”). This SOW is subject to the terms and conditions of the Master Agreement.

B. SERVICE DATES. This SOW will begin on the Effective Date and will continue for a period of twelve (12) months (the “Initial Term”). The SOW will automatically renew for additional one year periods (each, a “Renewal Term”; the Initial Term or any Renewal Term may be referred to as a “Term”), unless and until either party terminates the SOW.

C. SERVICES AND DELIVERABLES.

1. **TIME AND ELIGIBILITY TRACKING.** Consultant shall provide Client with access to the Tracking Service, which includes access to use certain computer programming (the “Program”), for the purpose of tracking, monitoring and reporting hours worked by Client’s current and former employees. Such tracking shall assist Client in determining which of its employees is eligible for health coverage and when such employee became eligible.
2. **ACA REPORTING.** Consultant shall provide Client with access to the Reporting Service Program to facilitate Client’s creation of the 1094-C and 1095-C Forms (collectively, the “Forms”), which satisfy certain reporting requirements of Client to the Internal Revenue Service (“IRS”) and certain disclosure requirements to Client’s employees as required under Sections 6055 and 6056 of the Internal Revenue Code of 1986, as amended (the “Code”). Services provided early in the subsequent calendar year to assist with generating and filing the Forms for an earlier Applicable Reporting Year will be considered part of the Service for the earlier Applicable Reporting Year. As used herein, an “Applicable Reporting Year” means a single calendar year for which the Client is required to generate the Forms.
3. **CONSULTANT SERVICE.** Consultant shall provide consultation with Client to help Client understand the application and rules of Section 4980H of the Code, which is referred to as the Employer Mandate Penalty, and Sections 6055 and 6056 of the Code, and then gather the information needed to implement the Services.

D. RESTRICTIONS AND RESPONSIBILITIES CONCERNING THE SERVICES.

1. Client acknowledges and agrees that it retains all responsibility to submit required information to the IRS and to provide disclosure documentation to its employees.

2. Client acknowledges and agrees that Client is solely responsible for timely submission, accuracy, and completeness of all Data required to be input into the applicable Service.
 - a. “Data” for purposes of this SOW is defined as demographic data (for employees, former employees, and covered family members subject to reporting under Code Sections 6055 and 6056), plan data, enrollment data, hours of service (records of hours worked and hours for which payment is made or due) data, and health plan coverage data. Consultant has no responsibility or obligation to determine if Data is accurate or complete.
 - b. “Timely Submission” for purposes of this SOW is defined as follows
 - i. Submitting initial test Data within two weeks of the implementation call;
 - ii. Submitting final test Data within one week of receiving correspondence on the initial Data; and
 - iii. Submitting ongoing Data at least monthly as described in the following section.
 - c. Client shall provide the necessary information required for the Services and shall provide such information to the Program on a monthly basis. Client’s failure to upload Data monthly may jeopardize satisfaction of Client’s reporting obligation to the IRS.
3. Client shall identify in writing the person or persons who will be authorized to access the Services on Client’s behalf (the “Authorized Users”). Client shall ensure that only Authorized Users receive the access codes to the Program; Client shall also provide Authorized Users with procedures for use established by Consultant. Client agrees that Client is solely responsible for access to Client’s Data in violation of such procedures and Consultant shall have no responsibility, obligation or liability for any unauthorized access to the Client’s Data resulting from a failure to follow Consultant’s procedures.
4. As part of the Services, Consultant shall grant Client a limited, personal, non-exclusive, non-transferable and non-assignable license to use the Program defined herein and related documentation (the “Documentation”). The license granted under this SOW is limited to the terms and purpose set forth herein and may be revoked by Consultant for Client’s failure to comply with the provisions of this SOW. In the event that Consultant revokes such license as herein provided, any fees paid by Client for the then existing term shall be reimbursed to Client on a pro rata basis less any fees retained by Consultant for the value of any services rendered by Consultant prior to the termination. Client may not (a) sell, license, reproduce or otherwise transfer or allow the transfer of the Program, or any backup copy, to third parties; (b) use the Program in any manner inconsistent with the rights granted herein; (c) modify or create derivative works of the Program; or (d) decompile, reverse engineer, disassemble, analyze, modify, adapt, convert, or create derivative works from the Program. These restrictions shall survive the termination of this SOW.

E. FEES AND EXPENSES.

1. **TRACKING FEES.** Upon the execution of this SOW, Client shall pay \$0.00 for the initial measurement period for the Tracking Service that has already lapsed, if any. Client shall pay the following monthly fee in arrears for the Tracking Service, which shall be based on the number of active employees reported by Client as of the date hereof and the number of W-2 forms sent the previous calendar year: \$1.00 per employee per month. If the number of employees uploaded into the Software in Client’s first month varies by

more than 5% from the number used to calculate the monthly fee, Consultant reserves the right to adjust the monthly fee; no other adjustments to the fee shall be made for the remainder of that Term. The monthly fee shall be assessed at the beginning of each Renewal Term and shall be determined as described above. Tracking fees shall be invoiced on or about the 15th day of each month.

2. **REPORTING FEES.** Client shall pay an annual fee of \$995.00 for the Reporting Service (“Annual Fee”), plus \$3.50 per employee for whom a 1095 form is generated (“Per-Form Fee”). The minimum number of 1095 forms is 250. The Annual Fee shall be due upon execution of this SOW, and half of the total expected Per-Form Fees shall be due in August of the Applicable Reporting Year, with the balance billed at the beginning of the next calendar year. The Annual Fee assumes that Client has one (1) Federal Tax Identification Number or Employer Identification Number (EIN) for the Reporting Service. Additional Federal Tax Identification Numbers or Employer Identification Numbers than one (1) may require additional fees. Aggregated employers may qualify for single annual fee, so long as all employers remain aggregated throughout the Applicable Reporting Year.
3. **FEE INCREASES.** Consultant reserves the right to amend the fees described in this SOW by providing written notice to the Client; however, no such amendment shall be made during the Initial Term. If fees will change in any other Term, Consultant will provide at least 60 days’ written notice of any fee changes prior to implementation. Client shall be entitled to terminate this SOW without penalty prior to the fee change going into effect.
4. In the event that Client executes this SOW but terminates the Services prior to the initial upload of Data as described in Section D(2)(b)(i) hereof, Client shall pay Consultant its hourly rate as specified in Ex. A for time spent on Client’s behalf prior to Client’s termination.

F. COPYRIGHT AND PROPRIETARY INFORMATION

1. Consultant reserves all intellectual property rights with respect to the Services, Program, and Documentation and any copies of same under all applicable national and international laws and treaties for the protection of intellectual property rights, including, but not limited to, trade secrets, copyrights, trademarks and patents. Any rights not expressly granted to Client in this SOW are retained by Consultant.
2. Immediately upon becoming aware of any unauthorized use, copying, reproduction or disclosure of the Program or Documentation, Client shall notify Consultant in writing.

G. LIMITED WARRANTY/DISCLAIMERS

1. Subject to the limitation of liability provisions contained in the Master Agreement and as set forth in this SOW, Consultant warrants that it has sufficient rights to grant Client the rights to access the Services pursuant to this SOW. Consultant warrants that it shall make commercially reasonable efforts to ensure that the Services will be uninterrupted or error-free. Client is solely responsible for all Data input. Consultant expressly disclaims any and all liability resulting from inadequate, incomplete or improper Data input by Client. This warranty is limited to the term of this SOW.
1. **THE PRECEDING WARRANTY IS THE ONLY WARRANTY RELATED TO THE SERVICES, DOCUMENTATION AND SUPPORT SERVICES AND IS MADE IN LIEU OF ALL OTHER WARRANTIES AND CONDITIONS, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR NON-INFRINGEMENT.**

3. If an implied warranty or condition is created by Client's jurisdiction and federal or state law prohibits disclaimer of it, to the extent that limitation is permitted by law, Client may also have an implied warranty or condition, BUT ONLY AS TO DEFECTS DISCOVERED DURING THE PERIOD OF THIS LIMITED WARRANTY (90 DAYS FROM CONTRACT EXECUTION). AS TO ANY DEFECTS DISCOVERED AFTER THE NINETY (90) DAY PERIOD, THERE IS NO WARRANTY OR CONDITION OF ANY KIND. Some jurisdictions do not allow limitations on how long an implied warranty or condition lasts; so, the above limitation may not apply to you. This limited warranty gives Client specific legal rights. Client may have other rights, which vary from jurisdiction to jurisdiction.
4. Client understands and acknowledges that Client is solely responsible, among other things, for: (a) all uses of the Services using user names or passwords assigned to you; (b) input of Data into the Services or Program by Client; (c) confirmation of the accuracy of the Data input by Client into and received from the Services; and (d) compliance with all applicable laws associated with the Client's use of the Data.

H. LIMITATION OF LIABILITIES

1. SUBJECT TO THE LIMITATION OF LIABILITY AND OTHER TERMS CONTAINED IN THE MASTER AGREEMENT, CONSULTANT'S ENTIRE LIABILITY AND CLIENT'S EXCLUSIVE REMEDY FOR ANY BREACH OF THIS LIMITED WARRANTY OR FOR ANY OTHER BREACH OF THIS AGREEMENT OR FOR ANY OTHER LIABILITY RELATING TO THE PROGRAM SHALL BE LIMITED TO EITHER (A) CORRECTION OF ERRORS IN THE OPERATION OF THE PROGRAM OR (B) REFUND OF FEES. CLIENT WILL RECEIVE ONE OF THE TWO REMEDIES, SELECTED BY CONSULTANT IN ITS SOLE DISCRETION, WITHOUT CHARGE.
2. IN NO EVENT WILL CONSULTANT OR ANY OF ITS AFFILIATES HAVE ANY OBLIGATION OR LIABILITY FOR ANY INDIRECT, INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES, LOST REVENUE, LOSS OF OR DAMAGE TO DATA, PROFITS OR BUSINESS INTERRUPTION LOSSES, ARISING FROM OR RELATED TO THE PROGRAM, THE SERVICES OR THE DOCUMENTATION, REGARDLESS OF (A) WHETHER SUCH DAMAGES WERE FORESEEABLE, (B) WHETHER OR NOT CLIENT WAS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND (C) THE LEGAL OR EQUITABLE THEORY (CONTRACT, TORT OR OTHERWISE) UPON WHICH THE CLAIM IS BASED. CONSULTANT'S LIABILITY FOR ANY REASON AND UPON ANY CAUSE OF ACTION SHALL AT ALL TIMES AND IN THE AGGREGATE AMOUNT BE LIMITED TO THE AMOUNT ACTUALLY PAID BY CLIENT TO CONSULTANT UNDER THIS AGREEMENT.

[EXECUTION PAGE FOLLOWS]

AGREED BY:

CITY OF GARDNER, KS

Name:

Title:

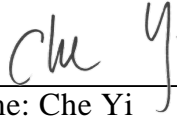
Date:

Notice Address:

120 East Main

Gardner, KS 66030

**AMERICAN FIDELITY
ADMINISTRATIVE SERVICES, LLC**



Name: Che Yi

Title: Chief Administrative Officer

Date: 04/09/2020

Notice Address:

American Fidelity

Administrative Services, LLC

Attn: Manager

9000 Cameron Parkway

Oklahoma City, OK 73114

AND

American Fidelity Assurance Company

Attn: Law Department

P.O. Box 25523

Oklahoma City, OK 73125

EXHIBIT A

In reference to Section E.4, the Consultants hourly rate is: \$250.00.

COUNCIL ACTION FORM

CONSENT AGENDA ITEM NO. 4

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: GONZ GARCIA, UTILITIES DIRECTOR

Agenda Item: Consider a recommendation to file an application to extend electric service with the Kansas Corporation Commission (KCC)

Strategic Priority: Infrastructure and Asset Management

Department: Utilities - Electric Distribution

Staff Recommendation:

Staff recommends authorizing the City Attorney to file an application to extend electric service with the Kansas Corporation Commission (KCC).

Background/Description of Item:

On September 3, 2019, City Council adopted Ordinance No. 2622 annexing 261 acres of land south of 175th Street and west of Clare Road known as Grata into the City of Gardner, Kansas.

On November 4, 2019, City Council adopted Ordinance No. 2631 annexing 71.15 acres of land located south of 167th Street and Symphony Farms known as Hilltop into the City of Gardner, Kansas.

Following the annexations, the Utilities Department sent a letter to Evergy (formerly known as KCP&L) petitioning for the City of Gardner to serve as the electrical supplier for the newly annexed parcels of land. Evergy has agreed to transfer the service areas to Gardner.

On February 25, 2020, Evergy filed an application to the KCC transferring the service areas to the City of Gardner. The City also needs to file an application to the KCC to extend electric service to both parcels.

Financial Impact:

Funding is available from the Electric 2020 O&M Budget.

Attachments included:

- a. Gardner Application to KCC
- b. Evergy Application to KCC
- c. Ordinance 2622
- d. Ordinance 2631

Suggested Motion:

Authorize the City Attorney to file an application with the Kansas Corporation Commission (KCC) to extend electric service for the parcels described in Ordinance 2622 and 2631

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

IN THE MATTER OF THE APPLICATION)
OF THE CITY OF GARDNER, KANSAS)
FOR A CERTIFICATE OF CONVENIENCE) Docket No.
AND AUTHORITY TO TRANSACT THE)
BUSINESS OF AN ELECTRIC UTILITY IN)
THE STATE OF KANSAS)

APPLICATION FOR CERTIFICATE

COMES NOW, The City of Gardner, Kansas (“Applicant”) and in support of its
Application for Certificate to Extend Service states as follows:

1. Applicant is a Municipality that provides electric service and as such intends to extend its
electric service to newly annexed property in the State of Kansas, thereby promoting public
convenience in for the following described territory in said state:

Ordinance No. 2622:

All that part of the Northwest Quarter of Section 29, Township 14 South, Range 23
East, lying South and East of Interstate Highway 35, described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of Section 29,
Township 14 South, Range 23 East; thence North 2 degrees 17 minutes 30 seconds
West along the West line of the Northwest Quarter of said Section 29 a distance of
1363.78 feet to a point on the Southeasterly right of way line of Interstate Highway
35 as established in Volume 3475, Page 774; thence in a Northeasterly direction
along said right of way line and along a curve to the right whose initial tangent
bears North 49 degrees 41 minutes 33 seconds East, having a radius of 11,309.16
feet, through a central angle of 0 degrees 10 minutes 52 seconds, an arc distance of
35.76 feet to a point; thence North 56 degrees 31 minutes 20 seconds East along
said right of way line a distance of 543.85 feet to a point; thence North 68 degrees
50 minutes 34 seconds East along said right of way line a distance of 440.47 feet to
a point; thence North 87 degrees 46 minutes 28 seconds East along said right of
way line a distance of 1460.43 feet to a point; thence South 87 degrees 20 minutes
26 seconds East along said right of way line a distance of 327.30 feet to a point;
thence North 66 degrees 35 minutes 54 seconds East along said right of way line a
distance of 14.46 feet to a point on the East line of the Northwest Quarter of said
Section 29; thence South 2 degrees 05 minutes 58 seconds East along the East line
of the Northwest Quarter of said Section 29 a distance of 1830.10 feet to the
Southeast corner thereof; thence South 88 degrees 39 minutes 43 seconds West
along the South line of the Northwest Quarter of said Section 29 a distance of

2704.50 feet to the POINT OF BEGINNING, containing 4,780,096 Square Feet or 109.7359 Acres, more or less.

Also,

All that part of the Northeast Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows: BEGINNING at the Southwest corner of the Northeast Quarter of Section 29, Township 14 South, Range 23 East; thence North 2 degrees 05 minutes 58 seconds West along the West line of the Northeast Quarter of said Section 29 a distance of 1830.10 feet to a point on the Southeasterly right of way line of Interstate Highway 35 as established in Volume 3475, Page 762; thence North 66 degrees 35 minutes 54 seconds East along said right of way line a distance of 296.48 feet to a point; thence North 34 degrees 50 minutes 13 seconds East along said right of way line a distance of 225.00 feet to a point; thence North 11 degrees 50 minutes 40 seconds East along said right of way line a distance of 437.78 feet to a point; thence North 83 degrees 24 minutes 39 seconds East along said right of way line a distance of 188.84 feet to a point; thence North 87 degrees 58 minutes 01 seconds East along said right of way line a distance of 1050.00 feet to a point; thence North 73 degrees 02 minutes 08 seconds East along said right of way line a distance 155.24 feet to a point on the South right of way line of 175th Street as established in Volume 4458, Page 126; thence North 87 degrees 58 minutes 01 seconds East along the South right of way line of 175th Street a distance of 744.69 feet to a point on the West right of way line of Clare Road; thence South 18 degrees 44 minutes 58 seconds East along the West right of way line of Clare road a distance of 135.66 feet to a point; thence South 1 degree 50 minutes 26 seconds East along the West right of way line of Clare Road a distance of 2500.70 feet to a point on the South line of the Northeast Quarter of said Section 29; thence South 88 degrees 39 minutes 43 seconds West along the South line of the Northeast Quarter of said Section 29 a distance of 2677.73 feet to the POINT OF BEGINNING, containing 6,656,573 Square Feet or 152.9139 Acres, more or less.

Also,

That portion of the adjacent right of way immediately North of such lands which are not owned and maintained by the Kansas Department of Transportation, with the Eastern terminus of such right of way being the Clare Road right of way and extending to the West from such Eastern terminus 294.7 feet, such right of way being identified as 175th Street. Also, That portion of the adjacent right of way immediately East of such lands, such right of way being 40 feet in width, such right of way being identified as Clare Road.

Ordinance 2631:

22 East, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88

degrees 16 minutes 55 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 652.13 feet to the point of beginning; thence South 1 degree 43 minutes 05 seconds East, a distance of 142.44 feet; thence South 54 degrees 07 minutes 26 seconds West, a distance of 247.56 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 899.98 feet; thence South 25 degrees 28 minutes 37 seconds West, a distance of 300.35 feet to a point on the West line of the Northwest Quarter of said Section 22; thence South 2 degrees 10 minutes 37 seconds East, along the West line of the Northwest Quarter of said Section 22, a distance of 1271.06 feet to the Southwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 13 seconds East, along the South line of the Northwest Quarter of said Section 22, a distance of 1329.32 feet to the Southeast corner of the West half of the Northwest Quarter of said Section 22; thence North 2 degrees 22 minutes 27 seconds West, along the East line of the West Half of the Northwest Quarter of said Section 22, a distance of 2668.43 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South 88 degrees 16 minutes 55 seconds West, along the North line of the Northwest Quarter of said Section 22, a distance of 668.00 feet to the point of beginning, containing 71.15 acres, more or less.

The entire width of the adjacent right of way immediately North of the above described real property, such right of way being 50 to 90 feet in width, such right of way being identified as 167th street.

2. That other utilities now operating in or adjoining the above-described territory are:

Evergy Kansas Metro Inc.
P.O. Box 889
Topeka, Kansas 66601

3. That the above-described territory is now being served by Evergy Kansas Metro, which said utility has filed its application requesting permission from the Commission to cease operating said territory dated February 12, 2020.

WHEREFORE, Applicant requests that a Certificate of Convenience and Authority be issued granting the right to transact the business of an electric utility in the above-described territory.

By: _____
Ryan B. Denk - #18868
McAnany, Van Cleave & Phillips, P.A.
10 E. Cambridge Circle Drive, Suite 300
Kansas City, Kansas 66103

Telephone (913) 371-3838
Fax (913) 371-4722
Email: rdenk@mvplaw.com

STATE OF KANSAS)
) ss.
 COUNTY,)

_____, of lawful age, being duly sworn deposes and says
that he/she is the of the above-named, that he has read the above and foregoing application and
knows the contents thereof, and that the matters and information therein stated are true.

20____ SUBSCRIBED AND SWORN TO before me this _____ day of _____,

Notary Public

My commission expires: _____

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

IN THE MATTER OF THE APPLICATION OF)
EVERGY KANSAS METRO, INC FOR)
AUTHORITY TO CEASE TRANSACTING THE)
BUSINESS OF AN ELECTRIC PUBLIC UTILITY))
IN THE CITY OF GARDNER, KANSAS, UNDER)
ANNEX ORDINANCE NO. 2622 AND ANNEX)
ORDINANCE NO. 2631)

Docket No. 20-EKME-352-CCS

APPLICATION TO CEASE

COMES NOW Evergy Kansas Metro Inc. d/b/a Evergy Kansas Metro ("Evergy Kansas Metro"), and in support of its Application to Cease states:

1. Evergy Kansas Central is a Kansas corporation authorized by the Commission to conduct the business of a public utility under the provisions of K.S.A. 66-104, and as such holds a Certificate of Convenience and Authority from this Commission to engage in the business of an electric public utility in the State of Kansas, thereby promoting the public convenience in the following described territory:

JOHNSON COUNTY, KANSAS

Ordinance No. 2622 - The following described land is hereby annexed and made a part of the City of Gardner, Kansas.

All that part of the Northwest Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of Section 29, Township 14 South, Range 23 East; thence North 2 degrees 17 minutes 30 seconds West along the West line of the Northwest Quarter of said Section 29 a distance of 1363.78 feet to a point on the Southeasterly right of way line of Interstate Highway 35 as established in Volume 3475, Page 774; thence in a Northeasterly direction along said right of way line and along a curve to the right whose initial tangent bears North 49 degrees 41 minutes 33 seconds East, having a radius of 11,309.16 feet, through a central angle of 0 degrees 10 minutes 52 seconds, an arc distance of 35.76 feet to a point; thence North 56 degrees 31 minutes 20 seconds East along said right of way line a distance of 543.85 feet to a point; thence North 68 degrees 50 minutes 34 seconds

East along said right of way line a distance of 440.47 feet to a point; thence North 87 degrees 46 minutes 28 seconds East along said right of way line a distance of 1460.43 feet to a point; thence South 87 degrees 20 minutes 26 seconds East along said right of way line a distance of 327.30 feet to a point; thence North 66 degrees 35 minutes 54 seconds East along said right of way line a distance of 14.46 feet to a point on the East line of the Northwest Quarter of said Section 29; thence South 2 degrees 05 minutes 58 seconds East along the East line of the Northwest Quarter of said Section 29 a distance of 1830.10 feet to the Southeast corner thereof; thence South 88 degrees 39 minutes 43 seconds West along the South line of the Northwest Quarter of said Section 29 a distance of 2704.50 feet to the POINT OF BEGINNING, containing 4,780,096 Square Feet or 109.7359 Acres, more or less. See Map Exhibit A.

Also, all that part of the Northeast Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of Section 29, Township 14 South, Range 23 East; thence North 2 degrees 05 minutes 58 seconds West along the West line of the Northeast Quarter of said Section 29 a distance of 1830.10 feet to a point on the Southeasterly right of way line of Interstate Highway 35 as established in Volume 3475, Page 762; thence North 66 degrees 35 minutes 54 seconds East along said right of way line a distance of 296.48 feet to a point; thence North 34 degrees 50 minutes 13 seconds East along said right of way line a distance of 225.00 feet to a point; thence North 11 degrees 50 minutes 40 seconds East along said right of way line a distance of 437.78 feet to a point; thence North 83 degrees 24 minutes 39 seconds East along said right of way line a distance of 188.84 feet to a point; thence North 87 degrees 58 minutes 01 seconds East along said right of way line a distance of 1050.00 feet to a point; thence North 73 degrees 02 minutes 08 seconds East along said right of way line a distance 155.24 feet to a point on the South right of way line of 175th Street as established in Volume 4458, Page 126; thence North 87 degrees 58 minutes 01 seconds East along the South right of way line of 175th Street a distance of 744.69 feet to a point on the West right of way line of Clare Road; thence South 18 degrees 44 minutes 58 seconds East along the West right of way line of Clare road a distance of 135.66 feet to a point; thence South 1 degree 50 minutes 26 seconds East along the West right of way line of Clare Road a distance of 2500.70 feet to a point on the South line of the Northeast Quarter of said Section 29; thence South 88 degrees 39 minutes 43 seconds West along the South line of the Northeast Quarter of said Section 29 a distance of 2677.73 feet to the POINT OF BEGINNING, containing 6,656,573 Square Feet or 152.9139 Acres, more or less.

Also, that portion of the adjacent right of way immediately North of such lands which are not owned and maintained by the Kansas Department of

Transportation, with the Eastern terminus of such right of way being the Clare Road right of way and extending to the West from such Eastern terminus 294.7 feet, such right of way being identified as 175th Street.

Also, that portion of the adjacent right of way immediately East of such lands, such right of way being 40 feet in width, such right of way being identified as Clare Road. See Map Exhibit B.

Ordinance No. 2631 - The following described land is hereby annexed and made a part of the City of Gardner, Kansas.

All that part of the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 55 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 652.13 feet to the point of beginning; thence South 1 degree 43 minutes 05 seconds East, a distance of 142.44 feet; thence South 54 degrees 07 minutes 26 seconds West, a distance of 247.56 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 899.98 feet; thence South 25 degrees 28 minutes 37 seconds West, a distance of 300.35 feet to a point on the West line of the Northwest Quarter of said Section 22; thence South 2 degrees 10 minutes 37 seconds East, along the West line of the Northwest Quarter of said Section 22, a distance of 1271.06 feet to the Southwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 13 seconds East, along the South line of the Northwest Quarter of said Section 22, a distance of 1329.32 feet to the Southeast corner of the West half of the Northwest Quarter of said Section 22; thence North 2 degrees 22 minutes 27 seconds West, along the East line of the West Half of the Northwest Quarter of said Section 22, a distance of 2668.43 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South 88 degrees 16 minutes 55 seconds West, along the North line of the Northwest Quarter of said Section 22, a distance of 668.00 feet to the point of beginning, containing 71.15 acres, more or less. The entire width of the adjacent right of way immediately North of the above described real property, such right of way being 50 to 90 feet in width, such right of way being identified as 167th street. See Map Exhibit C.

2. The City of Gardner's certified territory is adjacent to the territory described in paragraph 1.

3. Everygy Kansas Metro understands that the City of Gardner has filed or will soon file an application with the Commission to expand its electric service territory to include the territory described in paragraph 1.

4. A copy of this application is being served on the City of Gardner by delivery of United States Mail, postage prepaid, addressed as follows:

Gonzalo Garcia
Utilities Director
City of Gardner
1150 E. Santa Fe St.
Gardner, KS 66030

There is no other person or entity, corporate, municipal or otherwise that requires notice of this Application.

THEREFORE, Evergy Kansas Metro requests that an Order be issued, granting Evergy Kansas Metro the authority to cease operating as an electric public utility in the territory described in paragraph 1 above.

EVERGY KANSAS CENTRAL, INC.

BY: Cathryn Dinges
Cathryn J. Dinges, S.Ct. #20848
Corporate Counsel
818 S. Kansas Avenue
P.O. Box 889
Topeka, Kansas 66601-0889
PHONE: (785) 575-8344
FAX: (785) 575-8136

ITS ATTORNEY

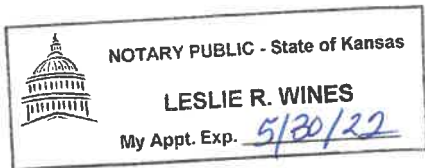
STATE OF KANSAS)
)
COUNTY OF SHAWNEE) ss

Cathryn J. Dinges, of lawful age, being first duly sworn upon oath, deposes and states:

That she is the attorney for the within named applicant, that she has read the above and foregoing Application and that the statements therein contained are true according to her knowledge and belief.

Cathryn Dinges
Cathryn J. Dinges

Subscribed and sworn to before me this 12th day of February 2020.

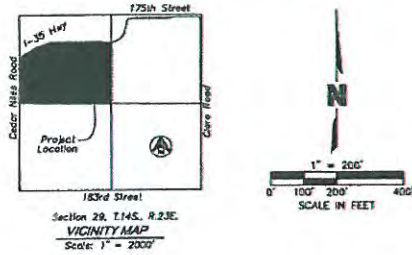


Leslie R. Wines
Notary Public

My Appointment Expires:

May 30, 2022

EXHIBIT A
ALTA/ACSM Land Title Survey
Part of the Northwest 1/4 of Section 29, Township 14 South,
Range 23 East, Johnson County, Kansas



Title and Easement Information Furnished by:
First American Title Insurance Company
2200 College Blvd., Overland Park, Kansas 66210
Telephone 913-451-4611
Commitment No.: 436391-A
Effective Date: October 16, 2013 @ 2:00 AM

Property Description as Furnished:

ALL THAT PART OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 14, RANGE 23, JOHNSON COUNTY, KANSAS, LYING SOUTH AND EAST OF INTERSTATE HIGHWAY 35, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 29; THENCE NORTH 02°17'30" WEST, 1176.73 FEET; THENCE NORTH 55°21'20" EAST, A DISTANCE OF 543.85 FEET; THENCE NORTH 14°50'34" EAST, A DISTANCE OF 440.47 FEET; THENCE NORTH 87°46'28" EAST, A DISTANCE OF 1460.43 FEET; THENCE SOUTH 87°20'38" EAST, A DISTANCE OF 327.30 FEET, TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4; THENCE S 02°05'30" EAST, A DISTANCE OF 1829.23 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4; THENCE SOUTH 89°29'43" WEST, ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

Surveyor's Recommended Property Description:

All that part of the Northwest Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:

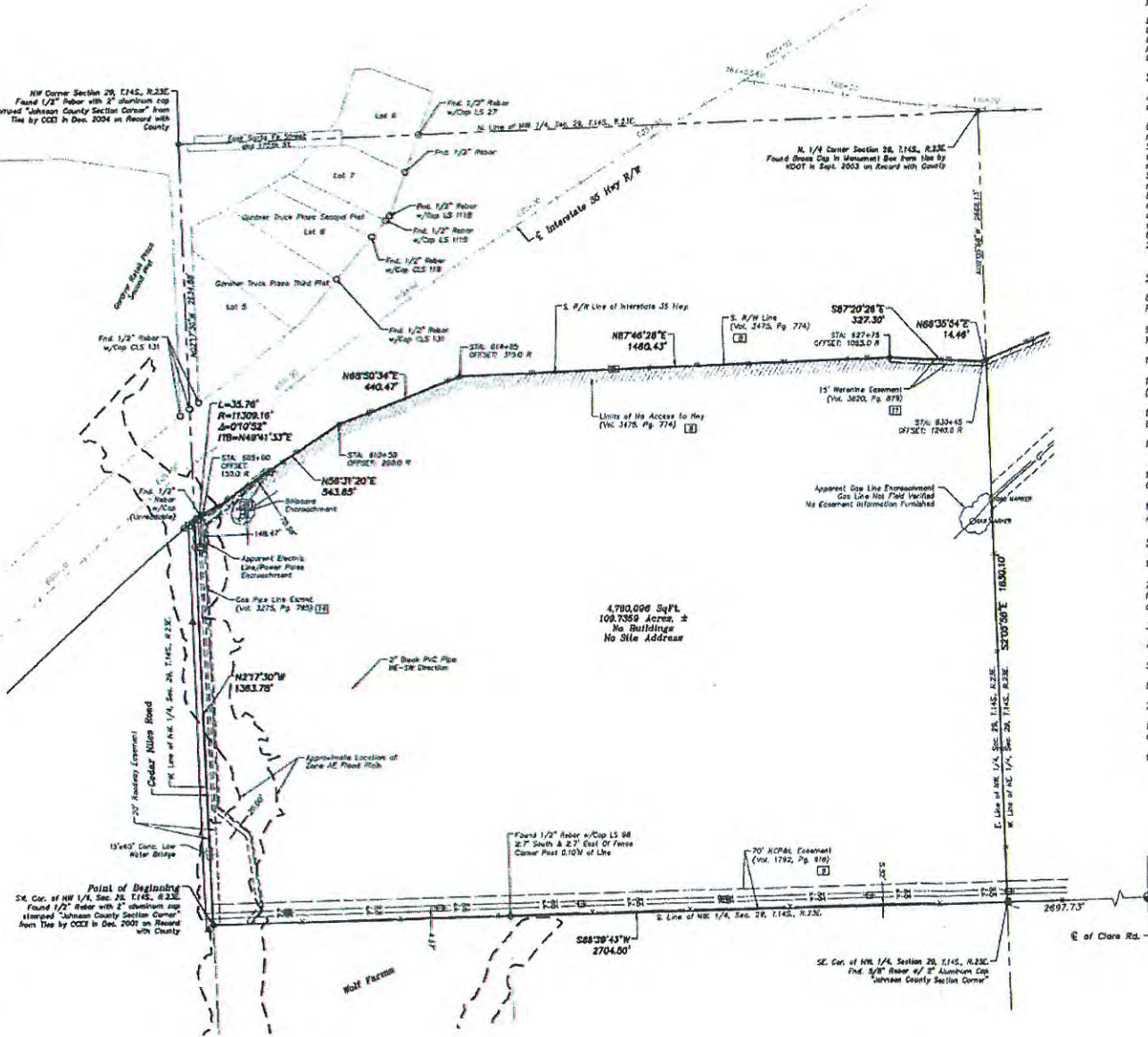
BEGINNING at the Southwest corner of the Northwest Quarter of Section 29, Township 14 South, Range 23 East; thence North 2 degrees 17 minutes 30 seconds West along the West line of the Northwest Quarter of said Section 29 a distance of 1163.78 feet to a point on the Southwesterly right of way line of Interstate Highway 35 as established in Volume 3475 of Page 774; thence in a Northeasterly direction along said right of way line and along a curve to the right whose initial tangent bears North 49 degrees 41 minutes 33 seconds East, having a radius of 11,305.16 feet, through a central angle of 8 degrees 10 minutes 58 seconds, an arc distance of 35.76 feet to a point; thence North 56 degrees 31 minutes 20 seconds East along said right of way line a distance of 543.85 feet to a point; thence North 68 degrees 50 minutes 34 seconds East along said right of way line a distance of 440.47 feet to a point; thence North 87 degrees 46 minutes 28 seconds East along said right of way line a distance of 1460.43 feet to a point; thence South 87 degrees 20 minutes 38 seconds East along said right of way line a distance of 327.30 feet to a point; thence North 05 degrees 35 minutes 54 seconds East along said right of way line a distance of 14.48 feet to a point on the East line of the Northwest Quarter of said Section 29; thence South 2 degrees 05 minutes 58 seconds East along the East line of the Northwest Quarter of said Section 29 a distance of 1830.10 feet to the Southwest corner thereof; thence South 89 degrees 29 minutes 43 seconds West along the South line of the Northwest Quarter of said Section 29 a distance of 2704.50 feet to the POINT OF BEGINNING and containing 4,780,096 Square Feet or 109.7359 Acres, more or less.

Schedule B Easements:

8. An easement with controlled access and abutters rights to State of Kansas in the document recorded in Volume 3475, Page 774 of Official Records. (Applies & Plotted)
9. An easement to Kansas City Power & Light Company in the document recorded in Volume 1792, Page 916 of Official Records. (Applies & Plotted)
10. A right-of-way to Rural Water District No. 5 in the document recorded in Misc. Book 177, Page 588 of Official Records.
11. An easement to Water District No. 1 of Johnson County (Kansas) in the document recorded in Volume 3820, Page 879 of Official Records. (Applies & Plotted)
12. A right-of-way to Southwestern Bell Telephone Co. in the document recorded in Misc. Book 82, Page 198 of Official Records. (Applies, Blanket in Nature, Not Plotted)
13. A right-of-way to Cities Service Gas Co. in the document recorded in Misc. Book 37, Page 87 of Official Records. (Applies, Blanket in Nature, Not Plotted) (Partial Release Does Not Apply, Not Plotted)
14. Natural Gas Pipe Line Easement to the City of Gardner, Kansas in the document recorded in Volume 3275, Page 795, Corrected Natural Gas Pipe Line Easement recorded in Book 201211, Page 006350 of Official Records. (Applies & Plotted)
15. Highway Right of Way and Abutters Right of Access to the State of Kansas as set out in Condemnation Case No. 23802. (No Longer Applies, Not Plotted)

Surveyor's Notes:

1. Basis of Bearings: South Line, Northwest Quarter, Section 29, Township 14 South, Range 23 East = South 89°29'43" West (Grid North).
2. The property partially lies within "Zone AC" - Areas where base Flood Elevations have been determined to be inside the 1.0% annual chance flood plain, and containing floodway zoning within the AE Zone and partially lies within Zone "X" - Areas determined to be outside the 0.2% annual chance year flood plain" according to FIRN Flood Insurance Rate Map Number 2000100121G, effective date August 3, 2009.
3. Apparent access to Cedar Hills Road.
4. There is no striped parking.
5. There is no observable evidence of earth moving work or building construction within recent months.
6. There is no observable evidence of the site being used as a solid waste dump, dump or sanitary landfill.
7. There are no proposed changes in street right of way or recent street/sidewalk construction or repairs.
8. Property Description as Furnished is ambiguous, unplotable and contains numerous errors, therefore the info contained therein is not shown on the survey.
9. Property is subject to an apparent 20' wide Road Right of Way Easement along the West line of the NW 1/4 of Section 29, T.14S., R.23E.



- LEGEND
- | | | | |
|-----------------------------|----------------------------|---------------------|------------------------|
| SECTION CORNER | MEASURED | TRAFFIC SIGNAL BOX | STORM SEWER MANHOLE |
| BRASS MONUMENT | PLATTED | TRAFFIC SIGNAL POLE | CANTARY SEWER CLEANOUT |
| SET 1/2" REBAR W/CL 174 CAP | OVERHEAD POWER LINE | ROAD OPTIC BOX | ELECTRIC BOX |
| FOUND REBAR W/CL 174 CAP | GAS LINE | TELEVISION PEDESTAL | SPEAKER BOX |
| PIPE MONUMENT | UNDERGROUND POWER LINE | TELEVISION BOOTH | ELECTRIC METER |
| WATER VALVE | UNDERGROUND TELEPHONE LINE | DRIVE VALET | ELECTRIC RISER |
| WATER METER | CABLE TV | 6" WOOD POST | POWER POLE |
| WATER METER PIT | SEWAGE SEWER LINE | ROLLERS | POWER POLE/W LIGHT |
| GAS VALVE | STORM LINE | COLLARS | GUY WIRE |
| GAS METER | WATER LINE | WIRE | LIGHT POLE |
| SPRINKLER BOX | TELEPHONE MANHOLE | PIPE | BUSH |
| SANITARY SEWER MANHOLE | TELEPHONE PEDESTAL | SPRINKLER VALVE | LIMIT OF NO ACCESS |
| | TELEPHONE CABINET | | |

To: Dry Land Crossing, LLC, Innate, Inc. and First American Title Insurance Company;
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 9, 11(a), 12, 14, 16, 17 and 18 of Table A thereof. The field work was completed on November 1, 2013.

Michael E. Bogina, LS-624
Olson Associates, LC-114

Prepared For:
Dry Land Crossing, LLC,
15854 Muriel Rd., Suite 113
Overland Park, Kansas 66213

Prepared By:
Olson Associates
7301 West 133rd Street, Suite 200
Overland Park, Kansas 66213
Telephone: (913) 381-1170

OLSSON ASSOCIATES
7301 West 133rd Street, Suite 200
Overland Park, KS 66213
TEL: 913.381.1170
FAX: 913.381.1174
www.olsonassociates.com

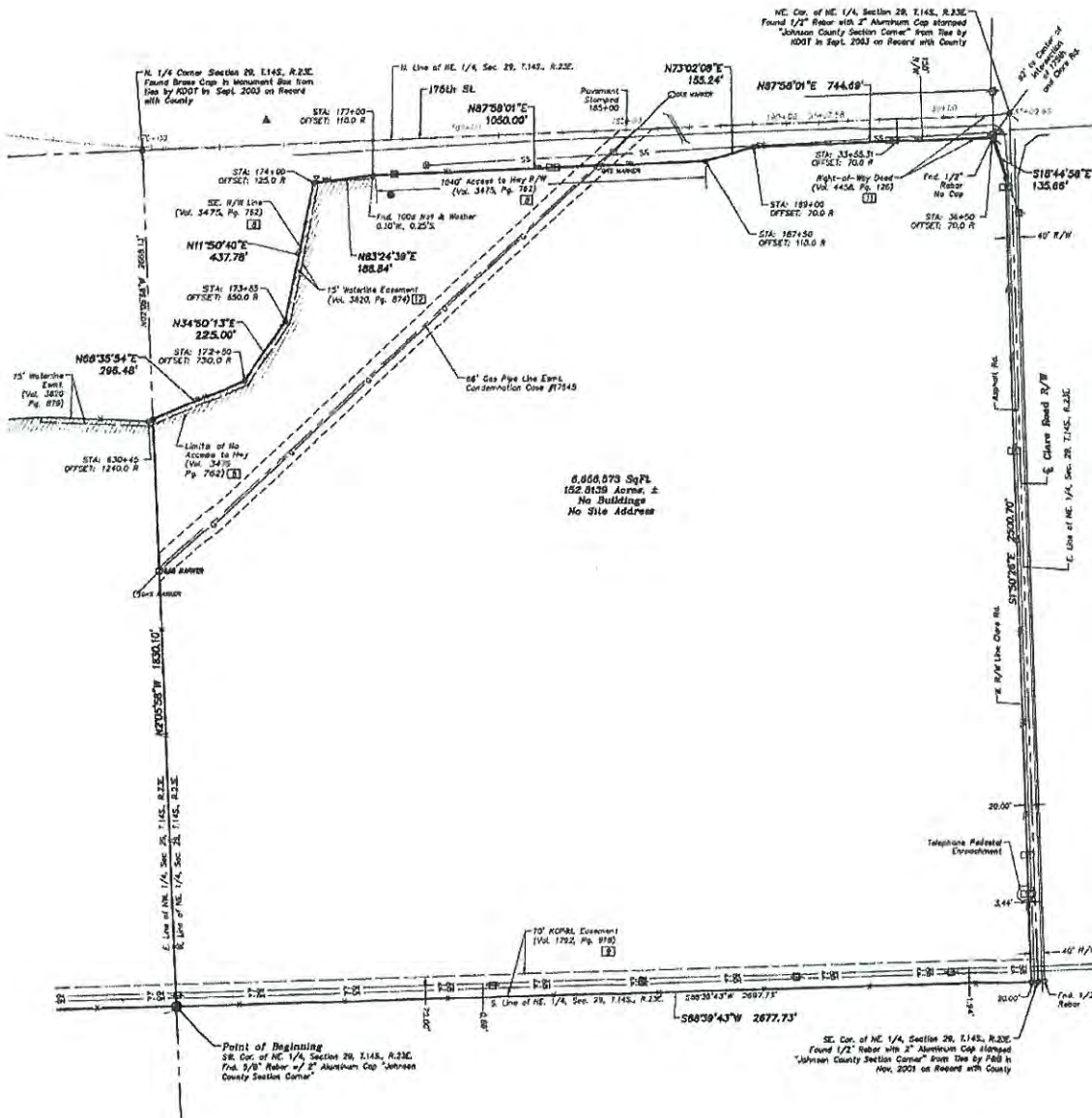
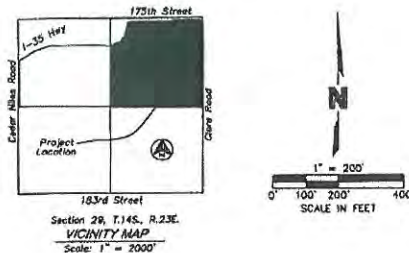
ALTA/ACSM Land Title Survey
Part of the NW 1/4 of Sec. 29, T.14 S., R.23E., Johnson County, Kansas
Gardner Township, Kansas

drawn by: JMB
checked by: JMB
approved by: JMB
QAC'd by: JMB
printed on: 2013-10-10
drawing no.: 10130-01-000
date: 10/10/2013

SHEET
1 of 1

EXHIBIT A

EXHIBIT A
ALTA/ACSM Land Title Survey
Part of the Northeast 1/4 of Section 29, Township 14 South,
Range 23 East, Johnson County, Kansas



LEGEND			
SECTION CORNER	HEADLAMP	TRAFFIC SIGNAL BOX	STORM SEWER MANHOLE
BRASS MONUMENT	PLATED	TRAFFIC SIGNAL POLE	SANITARY SEWER CLEANOUT
SET 1/2" REBAR W/14 CAP	OVERHEAD POWER LINE	FACE OF PIPE BOX	ELECTRIC BOX
FOUND REBAR W/14 CAP	GAS LINE	TELEVISION PEDestal	BREAKER BOX
FIRE HYDRANT	UNDERGROUND POWER LINE	TELEVISION BOOTH	ELECTRIC METER
WATER VALVE	UNDERGROUND TELEPHONE LINE	GRATE POLE	ELECTRIC RISER
WATER METER	CABLE TV	4"x4" WOOD POST	TRANSFORMER
WATER METER PIT	SANITARY SEWER LINE	ROLLAD	POWER POLE
GAS VALVE	SEWER LINE	STEEL POST	POWER POLE/W LIGHT
GAS METER	WATER LINE	COLUMN	CUT WIRE
SPRINKLER BOX	TELEPHONE MANHOLE	JOINT	LIGHT POLE
SANITARY SEWER MANHOLE	TELEPHONE PEDestal	TRITE	BUSH
	TELEPHONE CABINET	SPRINKLER VALVE	LIMITS OF NO ACCESS

Property Description as Furnished:
ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 14, RANGE 23, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE NORTH 09°05'04" WEST, A DISTANCE OF 1827.63 FEET; THENCE NORTH 88°35'54" EAST, A DISTANCE OF 310.04 FEET; THENCE NORTH 34°50'13" EAST, A DISTANCE OF 225.00 FEET; THENCE NORTH 11°50'40" EAST, A DISTANCE OF 437.78 FEET; THENCE NORTH 87°51'01" EAST, A DISTANCE OF 168.04 FEET; THENCE NORTH 87°51'01" EAST, A DISTANCE OF 108.00 FEET; THENCE NORTH 73°32'06" EAST, A DISTANCE OF 155.24 FEET; THENCE NORTH 87°51'01" EAST, A DISTANCE OF 74.08 FEET; THENCE SOUTH 89°44'58" EAST, A DISTANCE OF 135.00 FEET; TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4; THENCE SOUTH 89°44'58" EAST, ALONG THE EAST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 2500.70 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4; THENCE SOUTH 89°44'58" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4, TO THE POINT OF BEGINNING, AND EXCEPT ANY OTHER PART USED OR DEDICATED FOR STREET, ROAD OR PUBLIC RIGHTS OF WAY.

Surveyor's Recommended Property Description:
All that part of the Northeast Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:
BEGINNING at the Southwest corner of the Northeast Quarter of Section 29, Township 14 South, Range 23 East; thence North 2 degrees 05 minutes 58 seconds West along the West line of the Northeast Quarter of said Section 29 a distance of 1830.10 feet to a point on the Southwesterly right of way line of Interstate Highway 35 as established in Volume 3475 at Page 762; thence North 88 degrees 35 minutes 54 seconds East along said right of way line a distance of 298.48 feet to a point; thence North 34 degrees 50 minutes 13 seconds East along said right of way line a distance of 225.00 feet to a point; thence North 11 degrees 50 minutes 40 seconds East along said right of way line a distance of 437.78 feet to a point; thence North 87 degrees 51 minutes 01 seconds East along said right of way line a distance of 168.04 feet to a point; thence North 87 degrees 51 minutes 01 seconds East along said right of way line a distance of 108.00 feet to a point; thence North 73 degrees 32 minutes 06 seconds East along said right of way line a distance of 155.24 feet to a point; thence North 87 degrees 51 minutes 01 seconds East along said right of way line a distance of 74.08 feet to a point; thence South 89 degrees 44 minutes 58 seconds East, a distance of 135.00 feet to a point on the East line of the Northeast Quarter of said Section 29; thence South 89 degrees 44 minutes 58 seconds East, along the East line of the Northeast Quarter of said Section 29 a distance of 2500.70 feet to a point on the South line of the Northeast Quarter of said Section 29; thence South 89 degrees 44 minutes 58 seconds West, along the South line of the Northeast Quarter of said Section 29 a distance of 2077.73 feet to the POINT OF BEGINNING and containing 6,656,573 Square Feet or 152.8139 Acres, more or less.

- Schedule B Easements:**
- An easement with controlled access and abutters rights to State of Kansas in the document recorded in Volume 3475, Page 762 of Official Records. (Applies & Plotted)
 - An easement to Kansas City Power & Light Company in the document recorded in Volume 1792, Page 918 of Official Records. (Applies & Plotted)
 - A right-of-way to Rural Water District No. 5 in the document recorded in Misc. Book 178, Page 630 of Official Records. (No Longer Applies, Not Plotted)
 - The terms and provisions contained in the document entitled "Deed of Dedication to the Board of County Commissioners of Johnson County, State of Kansas" recorded in Volume 4458, Page 126 of Official Records. (Applies, Plotted)
 - An easement to Water District No. 1 of Johnson County (Kansas) in the document recorded in Volume 3320, Page 874 of Official Records. (Applies & Plotted)
 - A right-of-way to Sinclair Pipe Line Company in the document recorded in Misc. Book 12, Page 559 of Official Records. Assignment of Right of way recorded in Misc. Book 73, Page 174 to O.R. Burden Construction Corp. (Applies, Ambiguous, Not Plotted)
 - A right-of-way to Stanfield Pipe Line Company in the document recorded in O&G Book 7, Page 46 of Official Records. Assignment of Right of way recorded in Misc. Book 73, Page 174 to O.R. Burden Construction Corp. (Applies, Ambiguous, Not Plotted)
 - An easement to Kansas City Power & Light Company in the document recorded in Misc. Book 19, Page 38 of Official Records. (Applies, Blanket in Nature, Not Plotted)
 - A right-of-way to Southwestern Bell Telephone Co. in the document recorded in Misc. Book 91, Page 187 of Official Records. (Applies, Blanket in Nature, Not Plotted)
 - Highway Right of Way and Abutters Right of Access to the State of Kansas as set out in Condemnation Case No. 23802. (No Longer Applies, Not Plotted)

- Surveyor's Notes:**
- Base of Bearings: South Line, Northeast Quarter, Section 29, Township 14 South, Range 23 East - South 88°39'43" West (Old Merit).
 - This property lies within Zone "X" Areas determined to be outside the 0.2% annual chance year flood plain" according to FEMA Flood Insurance Rate Map Number 2009100121G, effective August 3, 2008.
 - Apparent access to 175th Street.
 - There is no striped parking.
 - There is no observable evidence of earth moving work or building construction within recent months.
 - There is no observable evidence of the site being used as a solid waste dump, sump or sanitary landfill.
 - There are no proposed changes in street right of way or recent street/sidewalk construction or repairs.
 - Property Description as furnished is ambiguous, unplotable and contains numerous errors, therefore the info contained therein is not shown on the survey.
 - Subject property contains Gas Pipe Line Easement defined in Condemnation Case #17545 (Applies, Plotted), said easement not shown in Title Commitment No. 636391-A listed above.

To: Dry Land Crashing, LLC, Innate, Inc. and First American Title Insurance Company.
This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 8, 9, 11(a), 12, 14, 16, 17 and 18, of Table A thereof. The field work was completed on November 1, 2013.

Michael E. Boghos, LS-624
Olsson Associates, LC-114

Prepared For:
Dry Land Crashing, LLC
19954 Murren Rd, Suite 13
Olathe, KS 66062

Prepared By:
Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, Kansas 66213
Telephone: (913) 381-1170

ALTA/ACSM Land Title Survey

Part of the NE 1/4 of Sec. 29, T.14 S., R.23 E., Johnson County, Kansas

Gardner Township, Kansas

REV.	NO.	DATE	REVISION DESCRIPTION
1		2013	

Drawn by: MB

Checked by: MB

Approved by: MB

QC'd by: MB

Printed on: 2013-07-05

Drawing no: 2013-07-05

Scale: 1"=200'

SHEET

1 of 1

ORDINANCE NO. 2622

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDNER, KANSAS.

WHEREAS, the following described land is located in Johnson County, Kansas;

WHEREAS, a written petition and/or consent for annexation of the following described land, signed by all of the owners thereof, have been filed with the City of Gardner, Kansas pursuant to K.S.A. 12-520(a)(7), as amended; and

WHEREAS, the governing body of the City of Gardner, Kansas, finds it advisable to annex such land.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

Section 1. That the following described land is hereby annexed and made a part of the City of Gardner, Kansas:

All that part of the Northwest Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of Section 29, Township 14 South, Range 23 East; thence North 2 degrees 17 minutes 30 seconds West along the West line of the Northwest Quarter of said Section 29 a distance of 1363.78 feet to a point on the Southeasterly right of way line of Interstate Highway 35 as established in Volume 3475, Page 774; thence in a Northeasterly direction along said right of way line and along a curve to the right whose initial tangent bears North 49 degrees 41 minutes 33 seconds East, having a radius of 11,309.16 feet, through a central angle of 0 degrees 10 minutes 52 seconds, an arc distance of 35.76 feet to a point; thence North 56 degrees 31 minutes 20 seconds East along said right of way line a distance of 543.85 feet to a point; thence North 68 degrees 50 minutes 34 seconds East along said right of way line a distance of 440.47 feet to a point; thence North 87 degrees 46 minutes 28 seconds East along said right of way line a distance of 1460.43 feet to a point; thence South 87 degrees 20 minutes 26 seconds East along said right of way line a distance of 327.30 feet to a point; thence North 66 degrees 35 minutes 54 seconds East along said right of way line a distance of 14.46 feet to a point on the East line of the Northwest Quarter of said Section 29; thence South 2 degrees 05 minutes 58 seconds East along the East line of the Northwest Quarter of said Section 29 a distance of 1830.10 feet to the Southeast corner thereof; thence South 88 degrees 39 minutes 43 seconds West along the South line of the Northwest Quarter of said Section 29 a distance of 2704.50 feet to the POINT OF BEGINNING, containing 4,780,096 Square Feet or 109.7359 Acres, more or less.

Also,

All that part of the Northeast Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:

November 6, 2019

Evergy, Inc.
Attn: Rebecca Galati, Customer Solutions Manager
PO Box 418679
Kansas City, MO 64141-9679

Dear Ms. Galati:

The City of Gardner recently annexed 261 acres of land generally located along the south side of 175th Street and west of Claire Road. At this time, the City would like to petition to serve as the electric supplier for this parcel of land.

Ordinance No. 2622 annexing the parcels of land into the City of Gardner is attached.

Thank you very much for your assistance in this matter. Please call me if you have questions or require additional information.

Sincerely,

CITY OF GARDNER



Gonzalo A Garcia
Utilities Director
913-856-0990

Encl:

cc: Jim Pruetting, City Administrator
Larry Powell, Economic & Business Development Director

BEGINNING at the Southwest corner of the Northeast Quarter of Section 29, Township 14 South, Range 23 East; thence North 2 degrees 05 minutes 58 seconds West along the West line of the Northeast Quarter of said Section 29 a distance of 1830.10 feet to a point on the Southeasterly right of way line of Interstate Highway 35 as established in Volume 3475, Page 762; thence North 66 degrees 35 minutes 54 seconds East along said right of way line a distance of 296.48 feet to a point; thence North 34 degrees 50 minutes 13 seconds East along said right of way line a distance of 225.00 feet to a point; thence North 11 degrees 50 minutes 40 seconds East along said right of way line a distance of 437.78 feet to a point; thence North 83 degrees 24 minutes 39 seconds East along said right of way line a distance of 188.84 feet to a point; thence North 87 degrees 58 minutes 01 seconds East along said right of way line a distance of 1050.00 feet to a point; thence North 73 degrees 02 minutes 08 seconds East along said right of way line a distance 155.24 feet to a point on the South right of way line of 175th Street as established in Volume 4458, Page 126; thence North 87 degrees 58 minutes 01 seconds East along the South right of way line of 175th Street a distance of 744.69 feet to a point on the West right of way line of Clare Road; thence South 18 degrees 44 minutes 58 seconds East along the West right of way line of Clare road a distance of 135.66 feet to a point; thence South 1 degree 50 minutes 26 seconds East along the West right of way line of Clare Road a distance of 2500.70 feet to a point on the South line of the Northeast Quarter of said Section 29; thence South 88 degrees 39 minutes 43 seconds West along the South line of the Northeast Quarter of said Section 29 a distance of 2677.73 feet to the POINT OF BEGINNING, containing 6,656,573 Square Feet or 152.9139 Acres, more or less.

Such lands being more specifically described on Exhibit A attached hereto.

Also,

That portion of the adjacent right of way immediately North of such lands which are not owned and maintained by the Kansas Department of Transportation, with the Eastern terminus of such right of way being the Clare Road right of way and extending to the West from such Eastern terminus 294.7 feet, such right of way being identified as 175th Street.

Also,

That portion of the adjacent right of way immediately East of such lands, such right of way being 40 feet in width, such right of way being identified as Clare Road.

Section 2. That this ordinance shall be effective from and after its passage, approval and publication in the official city newspaper.


PASSED AND APPROVED by the Governing Body of the City of Gardner, Kansas this
3rd day of September 2019.





Steve Shute, Mayor

ATTEST:



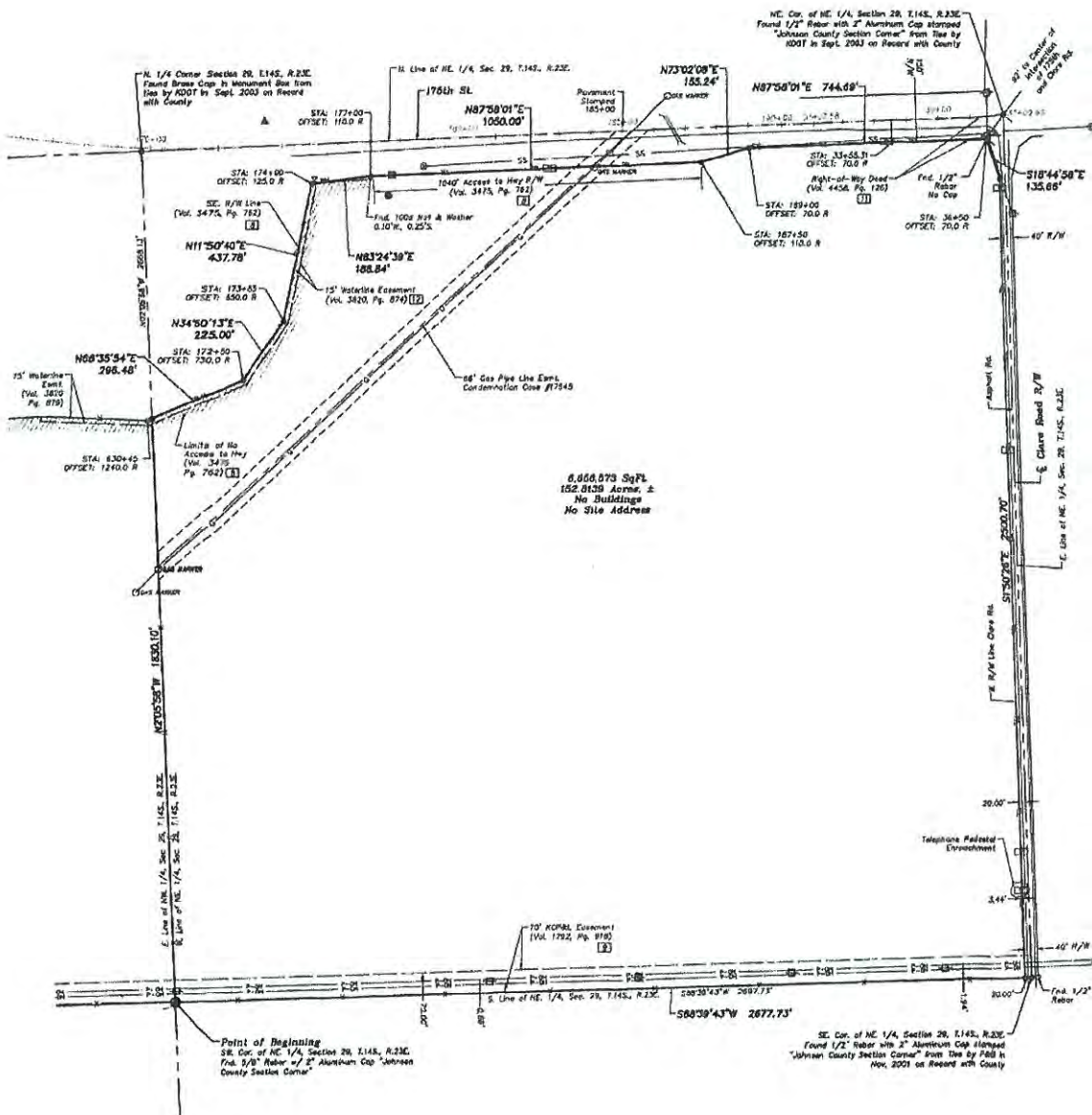
Sharon Rose, City Clerk

APPROVED AS TO FORM:



Ryan B. Denk, City Attorney

Section 28, T.14S., R.23E.
VICINITY MAP
Scale 1" = 1 mile



①	SECTION COVER	(W)	HEADLIGHT	②	TRAPED DONAL BOB	③	STORY SEWER MANHOLE
②	BRASS MONUMENT	(P)	FLAILED	③	TRAPED SINK POLE	④	SANITARY SINKER CLEAN
③	FOUND 1/2" REBAR W/4C 14 CAP	—P—H—	OVERHEAD POWER LINE	④	FURER OF BOB	⑤	STORY SEWER MANHOLE
④	FOUND REBAR W/4C 14 CAP	—H—	4C DASH LINE	⑤	TELEPHONE CORDIAL TELEVISION BOBIN	⑥	ELECTRIC BOB
⑤	FIRE HYDRANT	—H—	UNDERGROUND POWER LINE	⑥	TELEVISION BOBIN	⑦	BREASTER BOB
⑥	WATER VALVE	—H—	UNDERGROUND TELEPHONE LINE	⑦	DRATE RILE	⑧	ELECTRIC BOB
⑦	WATER METER	—DASH—	4C TV	⑧	4" 1/4" WOOD POST	⑨	ELECTRIC RINGER
⑧	WATER METER FIT	—H—	SANITARY SINKER LINE	⑨	RODOLAP	⑩	POWER POLE
⑨	4C DASH VALVE	—H—	STORM LINE	⑩	STEEL POST	⑪	POWER POLE W/ LIGHT
⑩	4C W/ATER	—H—	W/ATER LINE	⑪	COLLAPIN	⑫	DUT RILE
⑪	SPRINKLER BOB	⑫	TELEPHONE MANHOLE	⑫	W/ATE	⑬	W/ATE POLE
⑫	SANITARY SEWER MANHOLE	⑬	TELEPHONE DECKING	⑬	SPRINKLER VALVE	⑭	BUSH
						⑮	LIMITS OF NO ACCESS

Property Description as Furnished:

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 14, RANGE 23, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 28; THENCE NORTH 02°05'46" WEST; A DISTANCE OF 182.673 FEET; THENCE NORTH 66°35'05" EAST; A DISTANCE OF 510.04 FEET; THENCE NORTH 34°50'13" EAST; A DISTANCE OF 225.00 FEET; THENCE NORTH 11°50'40" EAST; A DISTANCE OF 457.870 FEET; THENCE NORTH 83°24'38" EAST; A DISTANCE OF 168.84 FEET; THENCE NORTH 87°08'01" EAST; A DISTANCE OF 103.600 FEET; THENCE NORTH 73°02'07" EAST 155.264 FEET; THENCE NORTH 87°06'18" EAST; A DISTANCE OF 74.008 FEET; THENCE SOUTH 86°04'58" EAST; A DISTANCE OF 153.668 FEET; TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4; THENCE SOUTH 10°00'00" EAST, ALONG THE EAST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 250.00 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 28; THENCE SOUTH 86°04'58" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4, TO THE POINT OF BEGINNING; AND EXCEPT AND OTHER PART USED OR DEDICATED FOR STREET, ROAD OR PUBLIC PURPOSES OF ANY.

Survivor's Recommended Property Description:

All that part of the Northeast Quarter of Section 28, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of Section 28, Township 14 South, Range 23 East; thence North 2 degrees 05 minutes 58 seconds East along the West line of the Northeast Quarter of said Section 28 a distance of 1830.10 feet to a point; thence North 88 degrees 58 minutes 48 seconds East along the North line of said Section 28 a distance of 1527.73 feet to a point; thence North 68 degrees 33 minutes 54 seconds East along right of way line a distance of 239.48 feet to a point; thence North 50 degrees 56 minutes 13 seconds East along said right of way line a distance of 255.00 feet to a point; thence North 11 degrees 50 minutes 58 seconds East along said right of way line a distance of 153.24 feet to a point on the South right of way line of 1750th Street established in Volume 4458 at Page 126; thence North 87 degrees 58 minutes 01 seconds East along the South right of way line of 1750th Street a distance of 153.24 feet to a point; thence North 87 degrees 58 minutes 01 seconds East along the West right of way line of Clara Road a distance of 133.66 feet to a point; thence South 11 degrees 50 minutes 58 seconds East along said right of way line a distance of 153.24 feet to a point on the South right of way line of 1750th Street; thence North 68 degrees 33 minutes 54 seconds East along the South line of the Northeast Quarter of said Section 25; thence South 88 degrees 39 minutes 43 seconds West along the South line of the Northeast Quarter of said Section 29 a distance of 2077.73 feet to the POINT OF BEGINNING and containing 6,656,573 square feet, 158 acres, 158 square rods and 158 square feet.

Schedule B Exceptions

7. An easement with controlled access and abutters rights to State of Kansas in the document recorded in Volume 3475, Page 282 of Official Records. (Applies & Plotted)
8. An easement to Kansas City Power & Light Company in the document recorded in Volumes 1792, Page 918 of Official Records. (Applies & Plotted)
10. A right-of-way to Rural Water District No. 5 in the document recorded in Misc. Book 178, Page 650 of Official Records. (No Longer Applies, Not Plotted)
11. The terms and provisions contained in the document entitled "Deed of Dedication to the Board of County Commissioners of Johnson County, State of Kansas" recorded in Volume 4458, Page 128 of Official Records. (Applies, Plotted)
12. An easement to Water District No. 1 of Johnson County (Koscos) in the document recorded in Volume 3820, Page 874 of Official Records. (Applies & Plotted)
13. A right-of-way to Sinclair Pipe Line Company in the document recorded in Misc. Book 12, Page 559 of Official Records. Assignment of Right of way recorded in Misc. Book 73, Page 174 to G.R. Burden Construction Corp. (Applies, Ambiguous, Not Plotted)
14. A right-of-way to Stondip Pipe Line Company in the document recorded in O&G Book 7, Page 46 of Official Records. Assignment of Right of way recorded in Misc. Book 73, Page 174 to G.R. Burden Construction Corp. (Applies, Ambiguous, Not Plotted)
15. An easement to Kansas City Power & Light Company in the document recorded in Misc. Book 18, Page 58 of Official Records. (Applies, Blanket in Nature, Not Plotted)
16. A right-of-way to Southwestern Bell Telephone Co. in the document recorded in Misc. Book 91, Page 187 of Official Records. (Applies, Blanket in Nature, Not Plotted)
17. Highway Right of Way and Abutters Right of Access to the State of Kansas as set out in Condemnation Case No. 23802. (No Longer Applies, Not Plotted)

Survivors Notes

1. Basis of Bearings: South Line, Northeast Quarter, Section 28, Township 14 South, Range 23 East = South 88°39'43" West (Old North).
2. The property lies within Zone "X" "Areas determined to be outside the 0.2% annual chance year flood plain" according to FIRM Flood Insurance Rate Map Number 2009130121G, effective August 3, 2009.
3. Apparent access to Clore Road and 175th St.
4. There is no striped parking.
5. There is no observable evidence of earth moving work or building construction within recent months.
6. There is no observable evidence of the site being used as a solid waste dump, pump or sanitary landfill.
7. There are no proposed changes in street right of way or recent street/sidewalk construction or repairs.
8. Property Description as furnished is ambiguous, unplotable and contains numerous errors, therefore the info contained therein is not shown on the survey.
9. Subject property contains Gas Pipe Line Easement defined in Condemnation Case #17345 (Appendix, Platfiled), said easement not shown in Title Commitment No. 836391-A listed above.

To: Dry Land Crossing, LLC, Innate, Inc. and First American Title Insurance Company;

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and including items 1, 2, 3, 4, 8, 9, 11(c), 12, 14, 15, 17 and 18, of Table A thereof. The field work was completed on November 1, 2013.

Michael E. Bogina, LS-824
Olson Associates, LC-114

Prepared For:
Dry Land Crossing, LLC.
15954 Murten Rd. Suite 13
Orothe, KS 66062

Prepared By:
Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, Kansas 66213
Telephone: (913) 381-1170

OLSSON
ASSOCIATES

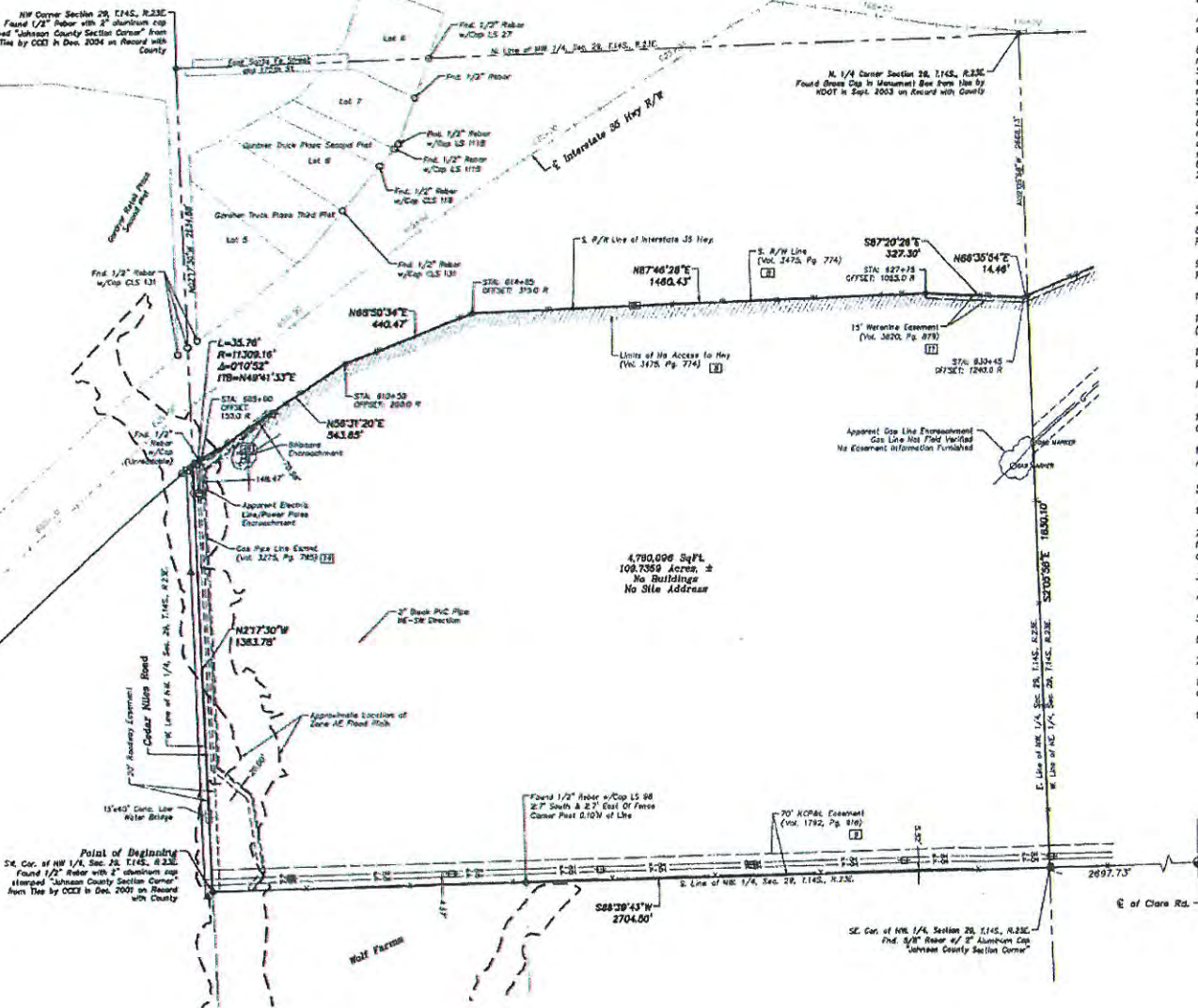
291 West 132nd Street, Suite 200
Cleveland, Ohio 44115-4750
TEL 913.281.1170
FAX 913.281.1174
www.mitsumachina.com

[illegible]

ALTACSM Land Title Survey
Part of the NE 1/4 of Sec. 28, T.14 S., R.23E., Johnson County, Kansas
Gardner Township, Kansas

SHEET
1 of

WOLSSON[®]
ASSOCIATES



Property Description as Furnished:

ALL THAT PART OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 14, RANGE 23, JOHNSON COUNTY, KANSAS, LYING SOUTH AND EAST OF INTERSTATE HIGHWAY 35, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 29; THENCE NORTH 62°17'30" WEST, 1379.72 FEET; THENCE NORTH 58°31'20" EAST, A DISTANCE OF 543.85 FEET; THENCE NORTH 68°50'34" EAST, A DISTANCE OF 440.47 FEET; THENCE NORTH 87°45'26" EAST, A DISTANCE OF 1460.43 FEET; THENCE SOUTH 87°20'38" EAST, A DISTANCE OF 327.30 FEET, TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4; THENCE S 02°05'35" EAST, A DISTANCE OF 1827.25 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4; THENCE SOUTH 89°30'43" WEST, ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, EXCEPT ANY PART USED ON DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

Survivor's Recommended Property Description:

All that part of the Northwest Quarter of Section 29, Township 14 South, Range 23 East, lying South and East of Interstate Highway 35, described as follows:

[illegible]

Schedule B Exceptions:

3. An easement with controlled access and abutters rights to State of Kansas in the document recorded in Volume 3475, Page 774 of Official Records. (Applies & Plotted)
3. An easement to Kansas City Power & Light Company in the document recorded in Volume 1792, Page 916 of Official Records. (Applies & Plotted)
10. A right-of-way to Rural Water District No. 5 in the document recorded in Misc. Book 177, Page 588 of Official Records.
11. An easement to Water District No. 1 of Johnson County (Kansas) in the document recorded in Volume 3820, Page 879 of Official Records. (Applies & Plotted)
12. A right-of-way to Southwestern Bell Telephone Co. in the document recorded in Misc. Book 82, Page 198 of Official Records. (Applies, Blanket in Nature, Not Plotted)
13. A right-of-way to Cities Service Gas Co. in the document recorded in Misc. Book 37, Page 97 of Official Records. (Applies, Blanket in Nature, Not Plotted) (Partial Release Does Not Apply, Not Plotted)
14. Natural Gas Pipe Line Easement to the City of Gardner, Kansas in the document recorded in Volume 3373, Page 795, Corrected Natural Gas Pipe Line Easement recorded in Book 201211, Page 006360 of Official Records. (Applies & Plotted)
15. Highway Right of Way and Abutters Right of Access to the State of Kansas as set out in Condemnation Case No. 23802. (No Longer Applies, Not Plotted)

Summary Notes

1. Basis of Bearings: South Line, Northwest Quarter, Section 29, Township 14 South, Range 23 East = South 68°39'43" West (Grid North).
2. The property partially lies within "Zone AE - Areas where base Flood Elevations have been determined to be inside the 1.0% annual chance flood plain," and containing floodway rating within the AE Zone and partially lies within Zone "X" "Areas determined to be outside the 0.2% annual chance year flood plain" according to FIRM Flood Insurance Rate Map Number 2009100121C, effective date August 3, 2009.
3. Apparent access to Cedar Hills Road.
4. There is no striped parking.
5. There is no observable evidence of earth moving work or building construction within recent months.
6. There is no observable evidence of the site being used as a solid waste dump, pump or sanitary landfill.
7. There are no proposed changes in street right of way or recent street/sidewalk construction or repairs.
8. Property Description as furnished is ambiguous, unplotable and contains numerous errors, therefore the info contained therein is not shown on the survey.
9. Property is subject to an apparent 20' wide Road Right of Way Easement along the West line of the NW 1/4 of Section 28, T.14S, R.23E.

To: Dry Land Crossing, LLC, Inmate, Inc. and First American Title Insurance Company:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 9, 11(a), 12, 14, 16, 17 and 18 of Table A thereof. The field work was completed on November 1, 2013.

Michael E. Bogina, LS-824
Olson Associates, LC-114

Prepared For:
Dry Land Crossing, LLC.
15054 Murlen Rd. Suite 13
Olathe, KS 66062

Prepared By:
Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, Kansas 66213
Telephone: (913) 391-1170

drawn by:	_____
checked by:	_____
approved by:	_____
QA/QC by:	_____
project no.:	2012-07
drawing no.:	12270-A-00
scale:	_____

SHEET
1 of 1

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F:\PROJECTS\013-2790\1-SVTO\A17A\132790_AL-A.dwg
DATE: Nov 19, 2013 9:52am
USER: mdragan

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December 19, 2019

Evergy, Inc.
Attn: Rebecca Galati, Customer Solutions Manager
PO Box 418679
Kansas City, MO 64141-9679

Dear Ms. Galati:

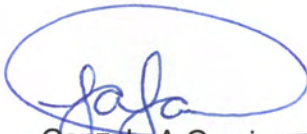
The City of Gardner recently annexed 71.15 acres of land located south of 167th Street (part known as Tract B). At this time, the City would like to petition to serve as the electric supplier for this parcel of land.

Ordinance No. 2631 annexing the parcel of land into the City of Gardner is attached.

Thank you very much for your assistance in this matter. Please call me if you have questions or require additional information.

Sincerely,

CITY OF GARDNER



Gonzalo A Garcia
Utilities Director
913-856-0990

Encl:

cc: Jim Pruetting, City Administrator
Larry Powell, Economic & Business Development Director

ORDINANCE NO. 2631

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDNER, KANSAS.

WHEREAS, the following described land is located in Johnson County, Kansas;

WHEREAS, a written petition and/or consent for annexation of the following described land, signed by all of the owners thereof, have been filed with the City of Gardner, Kansas pursuant to K.S.A. 12-520(a)(7), as amended; and

WHEREAS, the governing body of the City of Gardner, Kansas, finds it advisable to annex such land.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

Section 1. That the following described land is hereby annexed and made a part of the City of Gardner, Kansas:

Legal Description:

All that part of the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 55 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 652.13 feet to the point of beginning; thence South 1 degree 43 minutes 05 seconds East, a distance of 142.44 feet; thence South 54 degrees 07 minutes 26 seconds West, a distance of 247.56 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 899.98 feet; thence South 25 degrees 28 minutes 37 seconds West, a distance of 300.35 feet to a point on the West line of the Northwest Quarter of said Section 22; thence South 2 degrees 10 minutes 37 seconds East, along the West line of the Northwest Quarter of said Section 22, a distance of 1271.06 feet to the Southwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 13 seconds East, along the South line of the Northwest Quarter of said Section 22, a distance of 1329.32 feet to the Southeast corner of the West half of the Northwest Quarter of said Section 22; thence North 2 degrees 22 minutes 27 seconds West, along the East line of the West Half of the Northwest Quarter of said Section 22, a distance of 2668.43 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South 88 degrees 16 minutes 55 seconds West, along the North line of the Northwest Quarter of said Section 22, a distance of 668.00 feet to the point of beginning, containing 71.15 acres, more or less.

The entire width of the adjacent right of way immediately North of the above described real property, such right of way being 50 to 90 feet in width, such right of way being identified as 167th street.

Section 2. That this ordinance shall be effective from and after its passage, approval and publication in the official city newspaper.

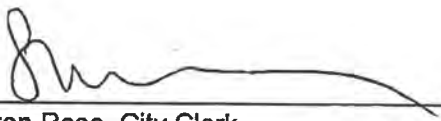
PASSED AND APPROVED by the Governing Body of the City of Gardner, Kansas this
4th day of November, 2019.





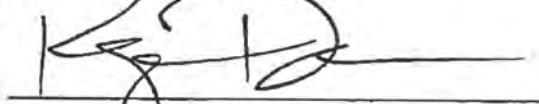
Steve Shute, Mayor

ATTEST:

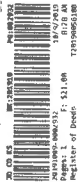


Sharon Rose, City Clerk

APPROVED AS TO FORM:



Ryan B. Derk, City Attorney



LEGAL DESCRIPTIONS:

PARENT TRACT

(per deed Book 201307, Page 003161)

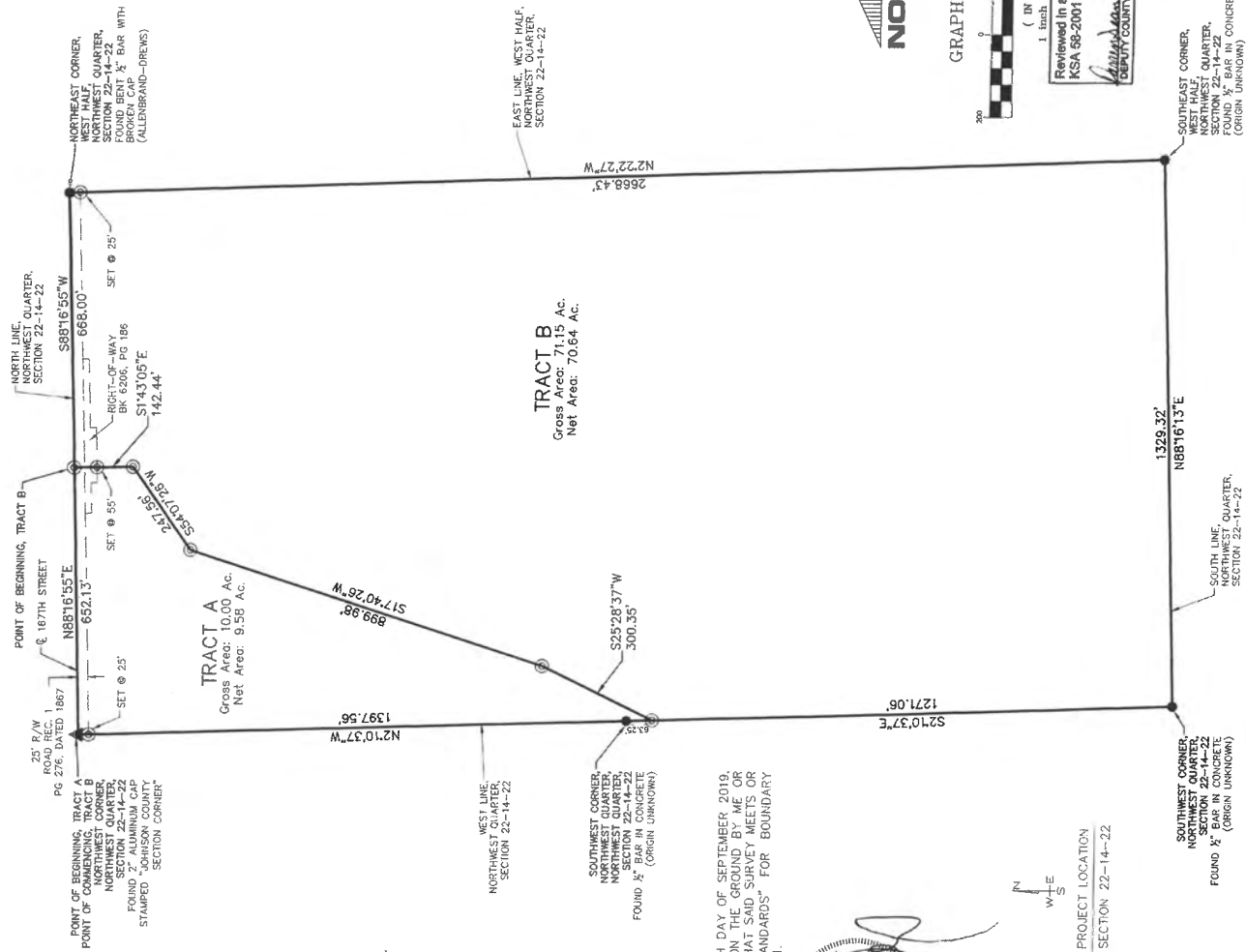
West Half of the Northwest Quarter (W/2 NW/4) in Section Twenty-two (22), Township Fourteen (14) South, Range Twenty-two (22) East, in Johnson County, Kansas

TRACT A

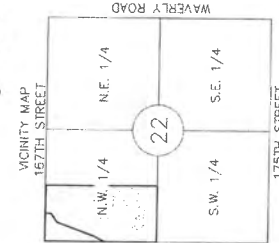
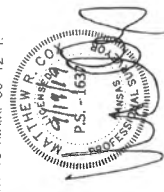
All that part of the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, Johnson County, Kansas, described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 55 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 652.13 feet; thence South 1 degree 43 minutes 05 seconds East, a distance of 142.44 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 247.56 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 899.98 feet; thence South 25 degrees 28 minutes 37 seconds West, a distance of 300.35 feet to a point on the West line of the Northwest Quarter of said Section 22; thence North 2 degrees 10 minutes 37 seconds West, along the West line of the Northwest Quarter of said Section 22, a distance of 1397.56 feet to the point of beginning, containing 10.00 acres, more or less.

TRACT B

All that part of the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88 degrees 16 minutes 55 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 652.13 feet to the point of beginning; thence South 1 degree 43 minutes 05 seconds East, a distance of 142.44 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 247.56 feet; thence South 17 degrees 40 minutes 26 seconds West, a distance of 899.98 feet; thence South 25 degrees 28 minutes 37 seconds West, a distance of 300.35 feet to a point on the West line of the Northwest Quarter of said Section 22; thence North 2 degrees 10 minutes 37 seconds West, along the West line of the Northwest Quarter of said Section 22, a distance of 1397.56 feet to the point of beginning, containing 10.00 acres, more or less.



THIS IS TO CERTIFY THAT ON THE 19TH DAY OF SEPTEMBER, 2019, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.



SURVEY

PT. OF NW 1/4
SECTION 22-14-22
JOHNSON COUNTY, KANSAS



CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS
123 N. WATERS STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1078 FAX: (913) 764-9635
Scale: 1"=200' Drawn By: MRC Project: 34761
Date: 9/13/2019 Checked by: MRC Section: 22-14-22

AD PROJECT # 34761

SURVEY

COUNCIL ACTION FORM

CONSENT AGENDA ITEM NO. 5

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: ALAN ABRAMOVITZ, HUMAN RESOURCES MANAGER
MATT WOLFF, FINANCE DIRECTOR

Agenda Item: Consider authorizing the execution of an agreement with HSA Bank for COBRA administration.

Strategic Priority: Fiscal Stewardship

Department: Administration – Human Resources
Finance Department

Staff Recommendation:

Staff recommends authorizing the City Administrator to execute an agreement with HSA Bank for the initiation of debit and credit entries for COBRA premiums to and from the City of Gardner's account.

Background/Description of Item:

At the January 21, 2020 City Council meeting, the City Council approved entering into a three-year agreement with CBIZ Benefits & Insurance Services, Inc. for employee benefits consulting services. Since the approval of this agreement, City staff has worked closely with CBIZ both to determine the best insurance options for the City of Gardner and to prepare to leave Midwest Public Risk (MPR).

At the March 16, 2020 City Council meeting, items authorizing the adoption of health insurance plans from Humana and adopting a resolution authorizing the City of Gardner to withdraw participation from MPR were presented and approved.

As part of the transition away from MPR, the City will also need to obtain the services of provider for services providing the initiation of debits and credits for COBRA. CBIZ provided City staff with three options: Surency, CBIZ, and HSA Bank. City staff determined that HSA Bank provided the best options and price for this service.

Financial Impact:

The initial setup fee for this service is \$250. There is a \$49 monthly administrative fee for these services, plus an additional \$0.60 per employee per month charge.

As the number of employees is subject to minor fluctuations, there will be minor fluctuations in the total cost of this contract due to the \$0.60 per employee per month charges. Assuming an average of 150 employees, the annual cost to the City would be approximately \$1,918 for the first year and \$1,668 for each subsequent year.

Attachments included:

- Agreement

Suggested Motion:

Authorize the City Administrator to execute an agreement with HSA Bank for the initiation of debit and credit entries for COBRA premiums to and from the City of Gardner's account.

Employer Authorization Agreement for Direct Payment

1. Authorization. Subject to the terms set forth below, <Employer or Insurance Carrier Name>hereinafter called “Company” authorizes <HSA Bank hereinafter called “Administrator”, to initiate Debit and Credit Entries for COBRA premiums to and from Company’s account in the depository financial institution named below.

COBRA premium disbursements will be settled directly to the Company bank account listed below. Administrator is hereby authorized to initiate credit entries to reimburse insurance premium payments received by Administrator from qualified beneficiaries, and to initiate debit entries for corrections and fees to the account indicated below.

2. Compliance with Rules. Administrator and Company agree to comply with and be bound by the National Automated Clearing House Association ("NACHA") Operating Rules as amended, including rules relating to Corporate Trade Payment Entries, and to any additional rules adopted by local or state Automated Clearing House Associations, and applicable federal, state or international law or regulation, including, without limitation, Regulation E of the Board of Governors of the Federal Reserve System, regulations promulgated by the Office of Foreign Assets Control, FinCEN, and Operating Circular 4 of the Federal Reserve Bank (collectively referred to herein as the "Rules"). Capitalized terms not defined herein shall have the meaning set forth in the Rules. Pursuant to the Rules and for purposes of this Agreement, Administrator shall be the Originator and Company shall be the Receiver.

3. Acceptance and Return of Entries. Nothing contained herein shall be deemed to require Company or its financial institution to accept any Entry initiated under this Agreement, and any such Entry may be returned in accordance with the Rules. Company shall not be deemed to have accepted any Entry that is returned in accordance with the Rules. Administrator shall not be deemed in default on any obligation under its agreement with Company or suffer any loss or other penalty by reason of the return of any Entry, provided such Entry was initiated in accordance with the terms of this ACH Agreement

4. Company's Account. The Account subject to ACH Origination is:	
(9) Digit ABA Routing Number	
*DDA Account Number	
*Company's Depository Financial Institution Name	

5. Reporting. Administrator will send an email to the following individuals 24-48 hours prior to initiating ACH debit or credit entries:

Name	
Phone Number	
Email Address	
Name	
Phone Number	
Email Address	

6. Errors. Administrator shall notify the Company of any reversing entry initiated to the Company's account to correct an entry it has initiated in error. The notification to the Company must include the reason for the reversing entry and must be made no later than settlement date of the reversing entry.

7. Liabilities of Parties. Neither Administrator nor Company shall be liable for the act or omission of any Automated Clearing House.

This authorization is to remain in full force and effect until Administrator has received written notification from an authorized representative of its termination in such time and in such manner as to afford Administrator and depository financial institution a reasonable opportunity to act on it

Company Name	CITY OF GARDNER
Tax ID	48-6033380
Signature	
Date	

COUNCIL ACTION FORM

COMMITTEE RECOMMENDATION NO. 1

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: LARRY POWELL, BUSINESS & ECO DEV DIRECTOR

Agenda Item: Consider adopting an ordinance approving a rezoning of 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District for Breckenwood Creek

Strategic Priority: Economic Development, Asset and Infrastructure Management

Department: Business & Economic Development

Planning Commission Recommendation:

After review of Application Z-20-04, a Zoning Map Amendment for parcel CF221422-2007 located approximately 0.4 miles north of 175th Street along Kill Creek Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the request to rezone 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District.

Staff Recommendation:

Staff recommends approval of the rezoning from R-1 (Single-family Residential) District to R-2 (Two-family Residential) District as proposed based on the findings in the March 24, 2020 staff report.

Background/Description of Item:

This infill development is located a little over a half mile from the Gardner Edgerton High School. The property was annexed on September 5, 2000; rezoned to PUD (Planned Urban Development) District in 2001 (as part of an approved preliminary development plan and preliminary plat for Prairie Brooke which included single-family detached homes, row houses, multi-family homes and other non-residential uses); and rezoned in 2004 to R-1 (Single-Family Residential) District (as part of a revised plat for single family, multi-family, and non-residential uses). It has remained vacant since first annexed almost 20 years ago.

This developer-initiated request is evidence of a development trend to accommodate more compact single-family development to address diverse housing needs and allow people options to age in place. The associated preliminary plat is designed to implement a new single-family detached housing type of the LDC, with homes situated on lots that are one-third smaller than those in typical existing subdivisions. As a trade-off for this increased density, the development, as intended by the Code, has proposed design features that support a more walkable, pedestrian-oriented neighborhood pattern, including less prominent garages and driveways. The smaller lots may attract young professionals and seniors who may not prioritize yard maintenance.

The property is not an easy parcel to develop because of the expense of constructing two collector road connections (with the limitation on fronting parcels on these roadways) and the necessity of utilizing major infrastructure to construct Madison Street across the floodplain, and the inability to place homes within the stream buffer and floodplain. This infill development

provides for four road connections to existing adjacent development, including connections to Madison Street and Kill Creek Road, which are collector streets. The Madison Street connection will provide a vital second access point for many residents should access via W. 175th Street be disrupted, and a direct connection to the High School benefitting this neighborhood and other future residential development parcels. The development also provides for looped utility connections that provide more resiliency in infrastructure.

The project addresses the following Comprehensive Goals:

- Housing variety to support on-going investment in housing and attract new residents.
- Ensure housing stock responds to a variety of users and supports home ownership for all income levels.
- Promote infill residential development within incomplete subdivisions.
- Locate new residential development within close proximity to schools and parks.

Staff finds that this rezoning request is consistent with the Low Density Residential future land use designation of the Comprehensive Plan and the goals of New Growth Areas of the Residential Areas Plan, is compatible with existing neighborhood character, meets the requirements of the Gardner Land Development Code, provides for the extension of two collector streets as consistent with the new streets plan of the Comprehensive Plan, provides trail connections in residential areas and floodplains as planned for new neighborhoods, and preserves an important ecological greenway corridor as consistent with the Environmental Features Plan of the Comprehensive Plan. This key residential infill development is made viable by the potential for an increase in density. The enhanced design as required by the Land Development Code for this building type should result in a favorable impact on nearby property.

Population trends indicate smaller household and family size, so the smaller lot residential may address a development type with pent up demand. It is anticipated that the smaller lot residential uses will also provide a more affordable housing option and improve the ability of residents to live close to the many jobs that are being created in areas west of Gardner. Approval of this application would benefit the community by providing additional housing stock in a more efficient, compact format to accommodate the anticipated population increase.

At the March 24, 2020 Planning Commission meeting, the Commission held a public hearing regarding the rezoning application. There were four interested people in attendance though none spoke. The Planning Commission recommended approval of the rezoning by a unanimous vote of 7-0.

ACTIONS

Per Section 17.03.030 (D) of the *Gardner Land Development Code*, the Governing Body may:

1. Adopt such recommendation by ordinance, (simple majority vote)
2. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body, or
3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the

Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

Financial Impact:

None at this time.

Other Impacts:

None

Attachments included:

- Vicinity Map
- Ordinance
- March 24, 2020 draft Planning Commission minute excerpt
- Planning Commission packet

Suggested Motion:

Accept the recommendation of the Planning Commission and approve Ordinance No. 2656, an ordinance changing the zoning classification or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.



Z-20-04: Rezoning from R-1 to R-2 for Breckenwood Creek
Meeting Date: April 20, 2020

Map Date: 3/31/20

ORDINANCE NO. 2656

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on March 24, 2020, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas Land Development Code, the recommendation of the Planning Commission is hereby approved and the zoning classification or districts of the lands legally described hereby are changed in conformity therewith as follows:

The following described property located approximately 0.4 miles north of 175th Street along Kill Creek Road shall hereafter have a zoning classification of R-2 (Two-Family Residential) District.

CASE NO. Z-20-04

Rezoning from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District:

Legal Description:

All that part of the E½ of the SW¼ and the W½ of the SE¼ of Section 22, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, described as follows:

Beginning at the Northwest corner of the SW¼ of said Section 22; thence S 89°45'11" E, along the North line of the NW¼ of said Section 22, also being the North line of St. Johns Trace IV and St. Johns Trace II, subdivisions in the City of Gardner, Johnson County, Kansas, a distance of 1,329.08 feet to the TRUE POINT OF BEGINNING, also being the Northeast corner of Lot 76, St. Johns Trace II; thence S 89°45'11" E, along the North line of the SW¼ of said Section 22, a distance of 2,655.18 feet to the Northeast corner, W½, SE¼ of said Section 22 said corner also being the Northwest corner of Lot 9, Block 11, Double Gate VII, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 00°15'23" E, along the West line of Lot 1, Block 11, Lots 16, 15, 14, 13, 12, 11, 10, Block 9, of said Double Gate VII, Lots 9, 8, 7, 6, Block 9, Double Gate VI, a subdivision in the City of Gardner, Johnson County, Kansas, Lots 5, 4, 3, 2, 1, Block 9 and Lot 17, Block 7, Double Gate V, a subdivision in the City of Gardner, Johnson County, Kansas and lot 16 and part of Lot 15, Block 7 Double Gate IV, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 1,540.94 feet; thence N 67°02'46" W a distance of 603.89 feet; thence N 54°57'51" W a distance of 133.33 feet; thence N 21°20'36" W a distance of 127.86 feet; thence S 70°50'10" W a distance of 442.45 feet to a curve to left having an initial tangent bearing of N 29°09'09" W, a radius of 330.00 feet, a delta of 00°11'14" and on an arch length of 1.08 feet; thence N 29°20'23" W a distance of 148.55 feet to the Southwest corner of Lot 129, St. John's Highland II, a subdivision in the City of Gardner, Johnson County, Kansas; thence N 41°18'11" E, along the South line of Lots 129 and 130 of said St. John's Highlands II, a distance of 114.60 feet; thence N 52°46'33" E, along said Lot 130, a distance of 41.97 feet; thence N 72°04'11" E, along the South line of said Lot 130 and 131, St. John's Highlands II, a distance of 36.01 feet; thence N 49°27'48" E, along the South line of said Lot 131, a distance of 57.30 feet to the Southwest corner of Lot 132, of said St. John's Highlands II; thence N 53°44'30" E, along the South line of Lot 132, a distance of 66.45 feet to the Southwest corner of Lot 133 of said St. John's Highlands II; thence

N 58°20'46" E, along the South line of Lots 133 and 134, a distance of 138.86 feet to the Southwest corner of Lot 135 of said St. John's Highlands II; thence N 46°33'58" E, along the South line of Lots 135 and 136 of said St. John's Highlands II, a distance of 103.17 feet; thence N 54°32'40" E, along the South line of said Lot 136, a distance of 45.08 feet; thence N 36°16'55" E, along the East line of said Lot 136, a distance of 30.00 feet to the Southwest corner of Lot 137 of said St. John's Highlands II; thence N 24°06'45" E, along the East line of Lots 137 and 138 of said St. John's Highlands II, a distance of 125.60 feet; thence N 00°14'49" E, along the East line of Lots 138, 139, 140, 141 and 142 of said St. John's Highlands II, a distance of 343.95 feet to the Northeast corner of said Lot 142; thence N 89°45'11" W, along the North line of said Lot 142 and its extension, a distance of 165.00 feet to a point on the West right-of-way line of 172nd Street; thence South 00°14'49" W, along said West right-of-way line of 172nd Street, a distance of 9.42 feet to the Northeast corner of Lot 98 of said St. John's Highlands II; thence S 89°50'38" W, along the North line of said Lot 98, a distance of 82.53 feet; thence S 83°59'13" W, along the North line of Lots 98 and 97 of said St. John's Highlands II, a distance of 70.57 feet; thence S 83°57'16" W, along the North line of Lots 97, 96 and 95 of said St. John's Highlands II, a distance of 160.22 feet to the Northwest corner of said Lot 95; thence S 89°10'29" W, along the North line of Lot 94 of said St. John's Highlands II, a distance of 65.51 feet to the Northeast corner of Lot 93 of said St. John's Highlands II; thence N 85°36'18" W, along the North line of Lots 93, 92, 91 and 90 of said St. John's Highlands II, a distance of 283.55 feet to the Northeast corner of lot 89 of said St. John's Highlands II; thence N 87°02'01" W, along the North line of said Lot 89, a distance of 95.94 feet to a point on the East right-of-way line of Kill Creek Road; thence N 89°45'11" W, along the North line of Lots 88 and 87 of said St. John's Highlands II, Lots 68, 67, 66, 42 and 41, St. John's Highlands, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 705.00 feet; thence S 77°28'21" W, along the North line of Lots 41 and 40 of said St. John's Highlands, a distance of 175.56 feet to the Northwest corner of said Lot 40; thence S 12°40'41" E, along the West line of Lot 40 and part of Lot 39 of said St. John's Highlands, a distance of 78.84 feet to the Northeast corner of Lot 21 of said St. John's Highlands; thence N 89°45'11" W, along the North line of Lots 21 and 20 of said St. John's Highlands, a distance of 216.87 feet to the Northwest corner of said Lot 20 and also being on the East line of Lot 70, St. John's Trace II, a subdivision in the City of Gardner, Johnson County, Kansas; thence 00°24'01" W, along the East line of Lots 72, 73, 74, 75 and 76, of said St. John's Trace II, a distance of 402.69 feet to the TRUE POINT OF BEGINNING, containing 38.60 acres, more or less, subject to that part in roads or easements.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Land Development Code as amended.

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SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the Governing Body and publication in the official City Newspaper.

PASSED by the Governing Body this 20th day of April, 2020.

SIGNED by the Mayor this 20th day of April, 2020.

(SEAL)

CITY OF GARDNER, KANSAS

Attest:

Steve Shute, Mayor

Sharron Rose, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney

(Case No. Z-20-04)

EXCERPT OF PLANNING COMMISSION MEETING MINUTES
CITY OF GARDNER, KANSAS
Tuesday, March 24, 2020

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Tuesday, March 24, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner McNeer
Commissioner Meder
Commissioner Simmons-Lee

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Ryan Denk, City Attorney (via phone)

There were three members of the public in attendance.

CONSENT AGENDA

1. **Approval of the minutes as written for the meeting on February 25, 2020.**

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

REGULAR AGENDA

1. **BRECKENWOOD CREEK**

Located approximately 0.4 miles north of 175th Street, along Kill Creek Road

- a. **Z-20-04:** Hold a public hearing and consider a rezoning of approximately 38.6 acres from R-1 District to R-2 District.
- b. **PP-20-03:** Consider a preliminary plat for a 38.6 acre, 131 lot single-family residential development.

Ms. Kelly Drake Woodward, Chief Planner, presented an application on the rezoning prior to a public hearing and discussion, followed by her presentation on the preliminary plat of the same property. The rezoning application was to rezone from the R-1 Single-Family Residential District to R-2 Two-Family Residential District. It was accompanied by a preliminary plat that was intended for the **Detached House – Neighborhood** building type, or single-family homes on smaller lots (generally a minimum of 50' wide and 6,000). The property includes 38.6 acres of land located approximately 0.4 miles north of 175th Street along Kill Creek Road, north of the Gardner Municipal Airport, adjacent to St. John's Highlands II subdivision. Four streets terminate at the property boundary, including two collector streets (Madison St and Kill Creek Rd), and two local streets (W. 172nd St and W. 173rd St). The site was annexed on September 5, 2000, was rezoned several times, but has remained undeveloped. The subject parcel has been designated for single-family as part of a 141 acre planned district to include a mix of housing densities and nonresidential development.

North of the subject property is a parcel that retains County Rural Agriculture zoning and a vacant agricultural property zoned R-1. R-1 zoning abuts the east, west, and portion of the south boundaries. Other adjacent zoning districts include RP-2 and RP-3. The area has long been envisioned for a mix of residential housing densities and nonresidential uses.

Adjacent land uses to the north are undeveloped agriculture properties with a preliminary plat approved for Hilltop Ridge single-family development (northwest of subject parcel), which will include an extension of W. Madison Street along the boundary with St. John's Trace. The property is surrounded by single-family subdivisions to the west, east, and a portion of the southern boundaries. The City received an application to the south for a combination of duplex and quad multi-family homes, adjacent to the Prairiebrooke Duplexes. The Madison Street connection across the waterway will provide existing neighborhoods, and this development, with a second, more-direct route to the Gardner Edgerton High School. The Kill Creek connection will extend to the properties to the north eventually connecting from 175th up to Celebration Park at 159th Street.

Infrastructure for all utility connections is available. This development will allow greater resilience through looped water and sanitary sewer lines instead of dead-ends. Customary utility easements are being provided with this plat, except that the utility easement will be in front of lots 19-54. This allows the preservation of the natural tree line on the north property boundary, and creates a natural buffer from the rear of the lots to the proposed continuation of the east-west collector Madison Street. As requested by the Fire District, the paved cul-de-sacs will be of a larger radius within the typical right-of-way radius, and sidewalks will be accommodated in easements around the cul-de-sac.

The new road network will include sidewalks on both sides of the roads and the new trails/greenways create a natural amenity for these neighborhoods as well as a new non-motorized connection between Kill Creek Rd and Madison St. It will connect with the Kill Creek Trail. The roads and trails are all consistent with the Comprehensive Plan. Additionally, the proposed plat preserves the greenway corridor that follows Kill Creek and serves as natural flood mitigation infrastructure and ecological corridors as provided in the Environmental Features Plan of the Comprehensive Plan.

This plan also supports many housing goals of the Comprehensive Plan including housing variety to support ongoing investment, attract new residents, respond to a variety of needs, and help all income levels move toward home ownership. It also encourages the development of housing to allow seniors to age in place, promotes infill in incomplete subdivisions, and provides housing within close proximity to schools and parks. The application is consistent with the Low Density Residential future land use described as including detached single-family homes and duplexes or triplexes in low density formats. The *LDC* translates Low Density Residential future land use into three possible zoning districts plus the planned districts that would go with them, being RE, R-1 and R-2. The parcel is also located in the New Growth Area of the Residential Area Plan which is intended to provide opportunities to:

- Contribute to and enforce the City's existing character and identity – the lots in the associated plat are designed for smaller scale homes than existing homes, but of similar character;
- Ensure new development meets the requirements in the *LDC* – this development is designed to meet all standards for the **Detached House – Neighborhood** building type and **Neighborhood Yard** frontage type;
- Ensure the character of new residential areas are compatible with existing neighborhoods and reflect the intended character of Gardner in terms of block size and configuration, housing scale and architecture, and design of the public realm; and
- Work closely with residential developers to encourage local development patterns that provide a variety of housing types and allow residents to “downsize” and stay in the neighborhood or subdivision.

Other staff findings are the plan has block patterns consistent with existing development, and achieves the code intent to minimize the number of lots accessing collector streets. The potential uses of the R-2 District are compatible with adjacent uses and zoning districts. The two additional building types are subject to design standards that promote better neighborhood character and a pedestrian-friendly environment. The application provides for infill development of a key but challenging parcel, and addresses changing population needs by offering smaller lot residential as a means for affordable housing for the expanding job market around the City. Staff recommends approval of this application.

Mr. Todd Allenbrand, Payne and Brockway, thanked staff, the Commissioners and the City for helping on this project as the developers were anxious to get it started. He said they were in agreement with staff and were available to answer questions.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by McNeer, seconded by Ford.

Motion passed, 7-0.

COMMISSION DISCUSSION

Commissioners Ford and McNeer both commented on the plan and said they thought the developers did a good job of utilizing the space.

Motion made after review of Application Z-20-04, a Zoning Map Amendment for parcel CF221422-2007 located approximately 0.4 miles north of 175th Street along Kill Creek Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the request to rezone 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

Ms. Woodward continued with a presentation on **PP-20-03**, a preliminary plat for Breckenwood Creek. The Subdivision Standards of the LDC provide limits to block and cul-de-sac length. The proposed preliminary plat indicates cul-de-sac lengths consistent with plans approved under the former code, but which are longer than current standards allow. However, the LDC provides exceptions to block and connectivity standards. On the eastern cul-de-sac, blocks abutting or containing important natural features or otherwise creating parts of the Civic Space system may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community. This layout preserves the floodplain area and provides a mid-block connection to the trail through the natural area. The western cul-de-sac is constrained by existing residential development to the south which would not accommodate an additional local road to break up this block. An additional north-south road connection is not really necessary this close to collectors (Kill Creek Road and Madison Street). Instead, the applicant has provided a mid-block pedestrian connection to the north on this cul-de-sac to facilitate easier pedestrian access to Madison Street in the future. Even with the exceptions, this proposed preliminary plat meets the intent for street networks to:

- Provide for efficient and safe movement of all potential users of the streets;
- Use streetscape design to call attention to differing contexts and better support development patterns and uses abutting the streets; and
- Increase connectivity and improve options for access in the community.

The Fire District has offered support of these exceptions provided that the cul-de-sac width is increased. This request will be accommodated within the typical right-of-way width by providing pedestrian easements on private property for sidewalks around the cul-de-sacs.

Staff finds this infill development will promote future development on adjacent property and benefit existing development with new roads, trails, pedestrian and utility connections that provide more direct access to the high school to spread the traffic load along multiple routes. The development prototypes shown on the application indicate that all development and site design standards will be met, including the design intent to provide less prominent garages and decreased front pavement areas. The development will utilize shared driveways and side-access or setback garages. Approval of this plat with its conditions is recommended.

Mr. Allenbrand of Payne and Brockway stated the applicant was in agreement with staff and was available to answer questions from the Commission.

Commissioner Meder asked if, as stated, the construction on Madison St would be done as early in the phasing as possible, why was it slated for Phase III on the plans? She wanted to know the process of why it was not included in Phase I.

Mr. Allenbrand replied they were working with the City to change that and were looking into some alternatives and it could be changed by the final plat submittal. The cost for constructing Madison St. alone was very high considering the small amount of street but it is because of the needed box culvert. They were still working with City staff and legal to determine a route to go.

COMMISSION DISCUSSION

No discussion ensued.

Motion made after review of Application PP-20-03, a Preliminary Plat for parcel CF221422-2007 located approximately 0.4 miles north of 175th Street along Kill Creek Road, and Preliminary Plat dated February 7, 2020 (per revisions received March 16, 2020), and staff report dated March 24, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. Rezoning Z-20-04 is approved by the Governing Body;**
- 2. Lot 58 will be revised on the final plat to meet the minimum lot area requirement;**
- 3. Approval of the required Level 2 Transportation Impact Study by the City of Gardner Public Works Department.**

Motion made by Meder and seconded by McNeer.

Motion passed 7-0.

PLANNING COMMISSION STAFF REPORT NEW BUSINESS ITEM NO. 1A & 1B
MEETING DATE: MARCH 24, 2020
PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER

PROJECT NUMBER / TITLE: Z-20-04 Rezoning and PP-20-03 Breckenwood Creek

PROCESS INFORMATION

Type of Request: Zoning Map Amendment (Rezoning) and Preliminary Plat
Date Received: February 7, 2020

APPLICATION INFORMATION

Applicant: Payne & Brockway, P.A.
Owner: Breckenwood Creek, LLC
Parcel ID: Tax Id CF221422-2007
Location: Approximately 0.4 miles north of 175th Street along Kill Creek Road, adjacent to St. John's Highlands II plat.

REQUESTED ACTIONS

Hold a public hearing on and consider a request to rezone 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District; consider approval of a Preliminary Plat for Breckenwood Creek.

EXISTING ZONING AND LAND USE

The site is currently zoned R-1 (Single-Family Residential) District, and is undeveloped, with developed properties to the east, west, and a portion of the south boundaries. Areas north of this property remain undeveloped at this time.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
County RUR (Rural) District	Undeveloped, agricultural
R-1 (Single-Family Residential) District	Undeveloped, agricultural
East of subject property	
R-1 (Single-Family Residential) District	Single family homes in Double Gate subdivision
South of subject property	
RP-2 (Planned Two-Family Residential) District	Unimproved agriculture use
West of subject property	
R-1 (Single-Family Residential) District	Single family homes in St. John's Highlands and St. John's Trace subdivisions

- encourage the development of housing and support services to allow seniors to age in place;

- promote infill residential development within incomplete subdivisions;
- ensure new residential developments are sited within close proximity and access to schools and parks.

The parcel is indicated for Low Density Residential future land use on the Future Land Use plan of the Comprehensive Plan. Low Density Residential areas “primarily consist of detached single family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single family homes. Housing is typically arranged on a local street grid, or as part of a subdivision, and may include local amenities such as small community or civic buildings, playgrounds or gardens that serve residents.” Table 5-1 of the *Gardner Land Development Code* (LDC) translates Low Density Residential future land use into the RE (Residential Estates), R-1 (Single-Family Residential) and R-2 (Two-Family Residential) Districts to develop more walkable neighborhoods with a mix of housing types and connection to walkable community centers.

This parcel is located in the New Growth Area of the Residential Areas Plan of the Comprehensive Plan, which is intended to provide the opportunity to:

- contribute to and enforce the City’s existing character and identity;
- ensure new development meets the requirements in the *Gardner Land Development Code*, providing flexibility where necessary to accommodate a variety of housing types and intensities;
- ensure the character of new residential areas are compatible with existing neighborhoods and reflect the intended character of Gardner in terms of block size and configuration, housing scale and architecture, and design of the public realm;
- work closely with residential developers to encourage local development patterns that provide a variety of housing types and allow aging residents to “downsize” and stay in the neighborhood or subdivision.

The associated preliminary plat provides for the extension of Madison Street which is consistent with the new streets plan of the Comprehensive Plan. It also includes a trail which is consistent with the future trails shown on the Bike & Pedestrian Plan of the Comprehensive Plan, which indicates the requirement for trail connections through residential areas and floodplains as a component of new neighborhood development. It also preserves the greenway corridor that follows Kill Creek and serves as natural flood mitigation infrastructure and ecological corridors as provided in the Environmental Features Plan of the Comprehensive Plan.

The preliminary plat is designed to implement a new single-family detached housing type of the LDC (Detached House – Neighborhood building type). This infill development is located a little over ½ mile from the Gardner Edgerton High School. The single-family detached homes are planned to be situated on lots that are one-third smaller than those in typical existing subdivisions (6,000 s.f. instead of 8,000 s.f.). As a trade-off for this increased density, the development, as intended by the Code, has proposed design features that support a more walkable, pedestrian-oriented neighborhood pattern, including less prominent garages (side access or setback from the front building line) and driveways (shared driveways, narrow access). The smaller lots that require less yard maintenance may attract young professionals and seniors who may not prioritize yard maintenance.

Although this rezoning would provide for housing in a more compact neighborhood format most nearly resembling medium-density residential future land use, it furthers many of the intended housing goals and objectives for this area. The rezoning would also permit the duplex building type to be developed on the property (albeit with a revised plat), which is consistent with both

the low-density and medium-density residential future land uses. This development also satisfies transportation, recreation, and environmental objectives of the plan.

In January 2018, the Planning Commission initiated a process to determine whether to amend the future land use designations for areas outside the specific area plans based on modifications to future land use descriptions and development trends. This process has not yet been undertaken. This developer-initiated request is evidence of a development trend to accommodate more compact single-family development to address diverse housing needs and allow people options to age in place.

STAFF ANALYSIS - ZONING

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request. This request is for a rezoning to a base zoning district, coinciding with a preliminary plat application. The review must consider all potential uses that could occur within the proposed zoning district, although the applicant plans to develop the site with single-family detached homes.

ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;

***Staff Comment:** The underlying design for this infill development is impacted by the existing development patterns, including the need to make connections to four existing roads, and the necessity to design around the environmental features. The development as proposed provides for the continuation of existing residential local and collector streets, and indicates consistent block patterns with existing development. The lots are designed for smaller scale homes than existing homes in the neighborhood, but of substantially similar design. The proposed development pattern will further the Code requirement that all blocks shall be laid out to have two tiers of lots unless dictated by overriding development patterns outside of the control or impact of the project. The layout achieves the Code intent to minimize the number of lots accessing collector streets. Staff finds this criteria has been met.*

2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;

***Staff Comment:** It is anticipated that the undeveloped agriculture properties to the north (zoned County Agriculture and R-1 single-family) will eventually be developed for residential uses of some type. This parcel abuts existing R-1 single-family neighborhoods on three sides. It is likely that more dense residential development will occur to the south (property currently zoned RP-2). Only one additional use (multi-unit household living or duplex) may be permitted in the R-2 District but is not permitted in the R-1 District. Staff finds this criteria has been met.*

3. The suitability of the subject property for the uses to which it has been restricted;

Staff Comment: *The subject property is suitable as restricted for current uses, but is also suitable for proposed residential uses per the goals of the Comprehensive Plan. This key residential infill development is made viable by the potential for an increase in density.*

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

Staff Comment: *The current uses (household living) can still be implemented in the proposed zoning district, but the proposed zoning district enables two additional building types (Detached House – Neighborhood and Duplex). However, the Code requires these additional building types to meet additional design standards such as garage limits and less prominent, smaller scale driveways to promote walkable neighborhood design. The enhanced design should enable a favorable impact on nearby property.*

5. The length of time the subject property has remained vacant as zoned;

Staff Comment: *The property has remained vacant even though plans were developed 19 years ago (2001). It is not an easy parcel to develop because of the expense of constructing two collector road connections (with the limitation on fronting parcels on these roadways) and the necessity of utilizing major infrastructure to construct Madison Street across the floodplain, and the inability to place homes within the stream buffer and floodplain. The development is made viable by the potential for increased density.*

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

Staff Comment: *Development of this parcel is critical for connecting neighborhoods and major roadways such as Kill Creek Road and W. Madison Street in the community, and providing multiple routes to major activity centers and schools. If it is not developed, parcels to the north will not connect with two collector streets including Kill Creek Road and W. Madison Street which leads to Gardner Edgerton High School. The development also provides for looped utility connections that provide more resiliency in infrastructure. Public health and safety will be improved by the ability of public safety services to access this and other existing neighborhoods via another route in case of the closure of W. 175th Street.*

7. The recommendations of professional staff;

Staff Comment: *Staff recommends approval of this rezoning application based on the overall level of public benefit.*

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: *Per previous discussion, Staff finds this application to be consistent with many goals and objectives of the Comprehensive Plan, in particular the goals of housing diversity, infill development, infrastructure and recreational infrastructure connections, environmental protection and the reflection of intended residential character. The intent of the proposed R-2 zoning district is to provide residential living in a moderate-density residential setting, providing*

a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods. It is beneficial to have more compact housing patterns located in close proximity to community services such as schools and recreational amenities such as community trails. The proposed trail will connect with the Kill Creek Trail.

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

Staff Comment: *By providing looped utility systems, the development will improve capacity and safety of utility infrastructure. Similarly, the proposed development will improve road connectivity, safety and capacity by creating two more collector roadway connections to handle traffic. The proposed development provides for passive recreation uses and the retention of a wildlife and hydrologic corridor. Staff finds this criteria is met.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: *Population trends indicate smaller household and family size, so the smaller lot residential may address a development type with pent up demand. It is anticipated that the smaller lot residential uses will also provide a more affordable housing option and improve the ability of residents to live close to the many jobs that are being created in areas west of Gardner. Approval of this application would benefit the community by providing additional housing stock in a more efficient, compact format to accommodate the anticipated population increase.*

PRELIMINARY PLAT

The Subdivision Standards of the LDC provide limits to block and cul-de-sac length. The proposed preliminary plat indicates cul-de-sac lengths consistent with plans approved under the former code, but which are longer than current standards allow. The LDC provides for **exceptions** to block and connectivity standards, stating that blocks abutting or containing important natural features, topographical constraints, or otherwise creating parts of the Civic Space system may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community. This allows for an exception for the longer eastern cul-de-sac that preserves the floodplain area and provides a mid-block connection to the trail through the natural area.

The western cul-de-sac does not precisely meet this description for exceptions, but the area is constrained by existing residential development to the south which would not accommodate an additional local road to break up this block. The applicant states that there are four reasons they did not provide a stub street to the north of this cul-de-sac as follows:

1. *Preserving the natural tree line along the north property line from Lot 19 through Lot 35, creating a natural buffer from the rear of the lots to the proposed continuation of the east-west collector Madison Street on the property to the north;*
2. *Concerned that the stub street will encourage unnecessary traffic from the collector onto 170th Terrace;*

3. *Eliminating the connection to Madison Street will direct traffic to utilize the other collector, Kill Creek Road, for the north-south movements. This also overlaps with the above concern about unnecessary traffic;*
4. *The cul-de-sac configuration is exactly what was approved with the initial approval.*

Because Madison Street is intended to continue east to west connectivity directly north of this development, and Kill Creek Road is intended to facilitate north to south connectivity in the center of this development, another local road connection on the west cul-de-sac is not feasible or recommended so that traffic will flow to these collector streets. However, the applicant has provided a mid-block pedestrian connection to the north on this cul-de-sac to facilitate easier pedestrian access to Madison Street in the future. Regardless of these exceptions, this proposed preliminary plat meets the intent for street networks to provide for efficient and safe movement of all potential users of the streets, to use streetscape design to call attention to differing contexts and better support development patterns and uses abutting the streets, and to increase connectivity and improve options for access in the community. The Fire District has offered support of these exceptions provided that the cul-de-sac width is increased. This request will be accommodated within the typical right-of-way width by providing pedestrian easements on private property for sidewalks around the cul-de-sacs.

Lot 58 does not meet the minimum lot area requirement of 6,000 SF. The applicant states that it is not being revised on the preliminary plat resubmittal because the stream corridor and the final design of the creek crossing improvements for Madison Street will most likely impact the lots to the east (55-57). The exact impact won't be determined until the time of final platting, and Lot 58 will be revised at that time. This is a recommended condition of approval.

17.03.020 (D1) Review Criteria:

- a. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

Staff Comment: *Per previous discussion, Staff finds this application to be consistent with many goals and objectives of the Comprehensive Plan, in particular the goals of housing diversity, infill development, infrastructure and recreational infrastructure connections, environmental protection and the reflection of intended residential character. The previously discussed exceptions to block and connectivity standards pertaining to the longer cul-de-sac lengths are mitigated by preserving natural features and integrating connected trails. The design provides for all feasible road and pedestrian connections, including two collector streets. It meets the intent for street networks to provide for efficient and safe movement of all potential users of the streets, to use streetscape design to call attention to differing contexts and better support development patterns and uses abutting the streets, and to increase connectivity and improve options for access in the community. The Fire District indicates support of the longer cul-de-sac length since the width is increased to better accommodate fire truck access.*

- b. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

Staff Comment: *As indicated in the development prototypes, the blocks and lots provided are capable of meeting all development and site design standards, including the design intent to*

provide less prominent garages and decreased front pavement areas by utilizing shared driveways and side-access or setback garages.

- c. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

Staff Comment: *The City has been in discussion with the developer to incentivize the construction of the Madison Street connection as early in the project phasing as possible as this is so important to the safety and resilience of the surrounding neighborhoods. This will also accommodate earlier construction of looped utility systems. The new road connections will benefit existing neighborhoods, and catalyze development on adjacent property.*

- d. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

Staff Comment: *The final stormwater management plan and floodplain study may indicate the loss of a few buildable lots along the waterway. This will be determined with the final plat application.*

- e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

Staff Comment: *This infill development will actually promote future development on adjacent property, and will benefit existing development with new roadway, trail, pedestrian and utility connections that provide more direct access to the High School, spreading the traffic load along multiple routes.*

- f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

Staff Comment: *The design enhances the construction of planned future public utility and roadway connections.*

- g. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends approval of the preliminary plat finding all requirements have been met.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

Utilities – A sanitary sewer line traverses the site just south of the waterway on the eastern portion of the site. Existing stormwater infrastructure also extends from the existing subdivision to the edge of the waterway. Electric service runs along all but the northern boundary. Water service is available throughout the adjacent subdivisions and along Kill Creek Road. Customary utility easements are being provided with this plat, except that the utility easement will be in front of lots 19-54. This allows the preservation of the natural tree line and creates a natural buffer from the rear of the lots to the proposed continuation of the east-west collector Madison Street. Additionally, a creative solution has resulted in a larger diameter for the cul-de-sacs within the

same amount of right-of-way. Sidewalk easements will be created around the cul-de-sac so that the usual street amenities will still be provided.

Environmental conditions – The site is in the Kill Creek watershed and contains streams that cross from south to north in the eastern portion of the site. A floodplain surrounds these waterways. Soils are generally silt loam with 1 to 3 percent slopes on prime farmland that is somewhat poorly drained, except for the silt loam or silty clay loam areas near the stream which are moderately well drained.

ATTACHMENTS

- I. Legal Description
- II. Preliminary Plat dated February 07, 2020 (including revisions as received March 16, 2020)
- III. Zoning and Notice Map
- IV. Application Z-20-04
- V. Application PP-20-03

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

REZONING RECOMMENDATION

Staff recommends approval of the rezoning from R-1 (Single-family Residential) District to R-2 (Two-family Residential) District as proposed based on the findings in this staff report.

Rezoning Recommended Motion:

After review of Application Z-20-04, a Zoning Map Amendment for parcel CF221422-2007 located approximately 0.4 miles north of 175th Street along Kill Creek Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the request to rezone 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District.

PRELIMINARY PLAT RECOMMENDATION

Staff recommends approval of Preliminary Plat PP-20-03 for Breckenwood Creek as proposed finding all requirements have been met.

Preliminary Plat Recommended Motion:

After review of Application PP-20-03, a Preliminary Plat for parcel CF221422-2007 located approximately 0.4 miles north of 175th Street along Kill Creek Road, and Preliminary Plat dated February 7, 2020 (per revisions received March 16, 2020), and staff report dated March 24, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Rezoning Z-20-04 is approved by the Governing Body;
2. Lot 58 will be revised on the final plat to meet the minimum lot area requirement;
3. Approval of the required Level 2 Transportation Impact Study by the City of Gardner Public Works Department.

LEGAL DESCRIPTION
FOR
BRECKENWOOD CREEK
Rezoning and Preliminary Plat

All that part of the E½ of the SW¼ and the W½ of the SE¼ of Section 22, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, described as follows:

Beginning at the Northwest corner of the SW¼ of said Section 22; thence S 89°45'11" E, along the North line of the NW¼ of said Section 22, also being the North line of St. Johns Trace IV and St. Johns Trace II, subdivisions in the City of Gardner, Johnson County, Kansas, a distance of 1,329.08 feet to the TRUE POINT OF BEGINNING, also being the Northeast corner of Lot 76, St. Johns Trace II; thence S 89°45'11" E, along the North line of the SW¼ of said Section 22, a distance of 2,655.18 feet to the Northeast corner, W½, SE¼ of said Section 22 said corner also being the Northwest corner of Lot 9, Block 11, Double Gate VII, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 00°15'23" E, along the West line of Lot 1, Block 11, Lots 16, 15, 14, 13, 12, 11, 10, Block 9, of said Double Gate VII, Lots 9, 8, 7, 6, Block 9, Double Gate VI, a subdivision in the City of Gardner, Johnson County, Kansas, Lots 5, 4, 3, 2, 1, Block 9 and Lot 17, Block 7, Double Gate V, a subdivision in the City of Gardner, Johnson County, Kansas and lot 16 and part of Lot 15, Block 7 Double Gate IV, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 1,540.94 feet; thence N 67°02'46" W a distance of 603.89 feet; thence N 54°57'51" W a distance of 133.33 feet; thence N 21°20'36" W a distance of 127.86 feet; thence S 70°50'10" W a distance of 442.45 feet to a curve to left having an initial tangent bearing of N 29°09'09" W, a radius of 330.00 feet, a delta of 00°11'14" and on an arch length of 1.08 feet; thence N 29°20'23" W a distance of 148.55 feet to the Southwest corner of Lot 129, St. John's Highland II, a subdivision in the City of Gardner, Johnson County, Kansas; thence N 41°18'11" E, along the South line of Lots 129 and 130 of said St. John's Highlands II, a distance of 114.60 feet; thence N 52°46'33" E, along said Lot 130, a distance of 41.97 feet; thence N 72°04'11" E, along the South line of said Lot 130 and 131, St. John's Highlands II, a distance of 36.01 feet; thence N 49°27'48" E, along the South line of said Lot 131, a distance of 57.30 feet to the Southwest corner of Lot 132, of said St. John's Highlands II; thence N 53°44'30" E, along the South line of Lot 132, a distance of 66.45 feet to the Southwest corner of Lot 133 of said St. John's Highlands II; thence N 58°20'46" E, along the South line of Lots 133 and 134, a distance of 138.86 feet to the Southwest corner of Lot 135 of said St. John's Highlands II; thence N 46°33'58" E, along the South line of Lots 135 and 136 of said St. John's Highlands II, a distance of 103.17 feet; thence N 54°32'40" E, along the South line of said Lot 136, a distance of 45.08 feet; thence N 36°16'55" E, along the East line of said Lot 136, a distance of 30.00 feet to the Southwest corner of Lot 137 of said St. John's Highlands II; thence N 24°06'45" E, along the East line of Lots 137 and 138 of said St. John's Highlands II, a distance of 125.60 feet; thence N 00°14'49" E, along the East line of Lots 138, 139, 140, 141 and 142 of said St. John's Highlands II, a distance of 343.95 feet to the Northeast corner of said Lot 142; thence N 89°45'11" W, along the North line of said Lot 142 and its extension, a distance of 165.00 feet to a point on the West right-of-way line of 172nd Street; thence South 00°14'49" W, along said West right-of-way line of 172nd Street, a distance of 9.42 feet to the Northeast corner of Lot 98 of said St. John's Highlands II; thence S 89°50'38" W, along the North line of said Lot 98, a distance of 82.53 feet; thence S 83°59'13" W, along the North line of Lots 98 and 97 of said St. John's Highlands II, a distance

of 70.57 feet; thence S 83°57'16" W, along the North line of Lots 97, 96 and 95 of said St. John's Highlands II, a distance of 160.22 feet to the Northwest corner of said Lot 95; thence S 89°10'29" W, along the North line of Lot 94 of said St. John's Highlands II, a distance of 65.51 feet to the Northeast corner of Lot 93 of said St. John's Highlands II; thence N 85°36'18" W, along the North line of Lots 93, 92, 91 and 90 of said St. John's Highlands II, a distance of 283.55 feet to the Northeast corner of lot 89 of said St. John's Highlands II; thence N 87°02'01" W, along the North line of said Lot 89, a distance of 95.94 feet to a point on the East right-of-way line of Kill Creek Road; thence N 89°45'11" W, along the North line of Lots 88 and 87 of said St. John's Highlands II, Lots 68, 67, 66, 42 and 41, St. John's Highlands, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 705.00 feet; thence S 77°28'21" W, along the North line of Lots 41 and 40 of said St. John's Highlands, a distance of 175.56 feet to the Northwest corner of said Lot 40; thence S 12°40'41" E, along the West line of Lot 40 and part of Lot 39 of said St. John's Highlands, a distance of 78.84 feet to the Northeast corner of Lot 21 of said St. John's Highlands; thence N 89°45'11" W, along the North line of Lots 21 and 20 of said St. John's Highlands, a distance of 216.87 feet to the Northwest corner of said Lot 20 and also being on the East line of Lot 70, St. John's Trace II, a subdivision in the City of Gardner, Johnson County, Kansas; thence 00°24'01" W, along the East line of Lots 72, 73, 74, 75 and 76, of said St. John's Trace II, a distance of 402.69 feet to the TRUE POINT OF BEGINNING, containing 38.60 acres, more or less, subject to that part in roads or easements.

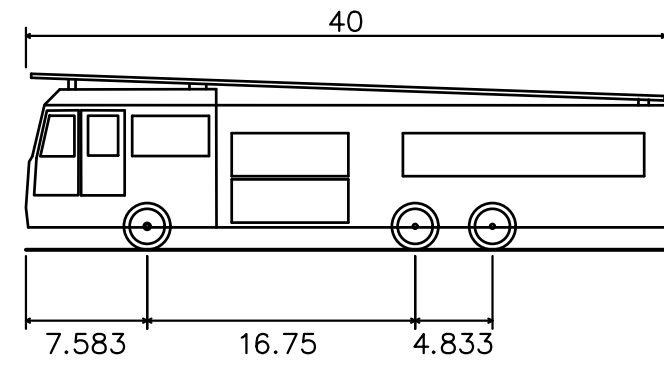
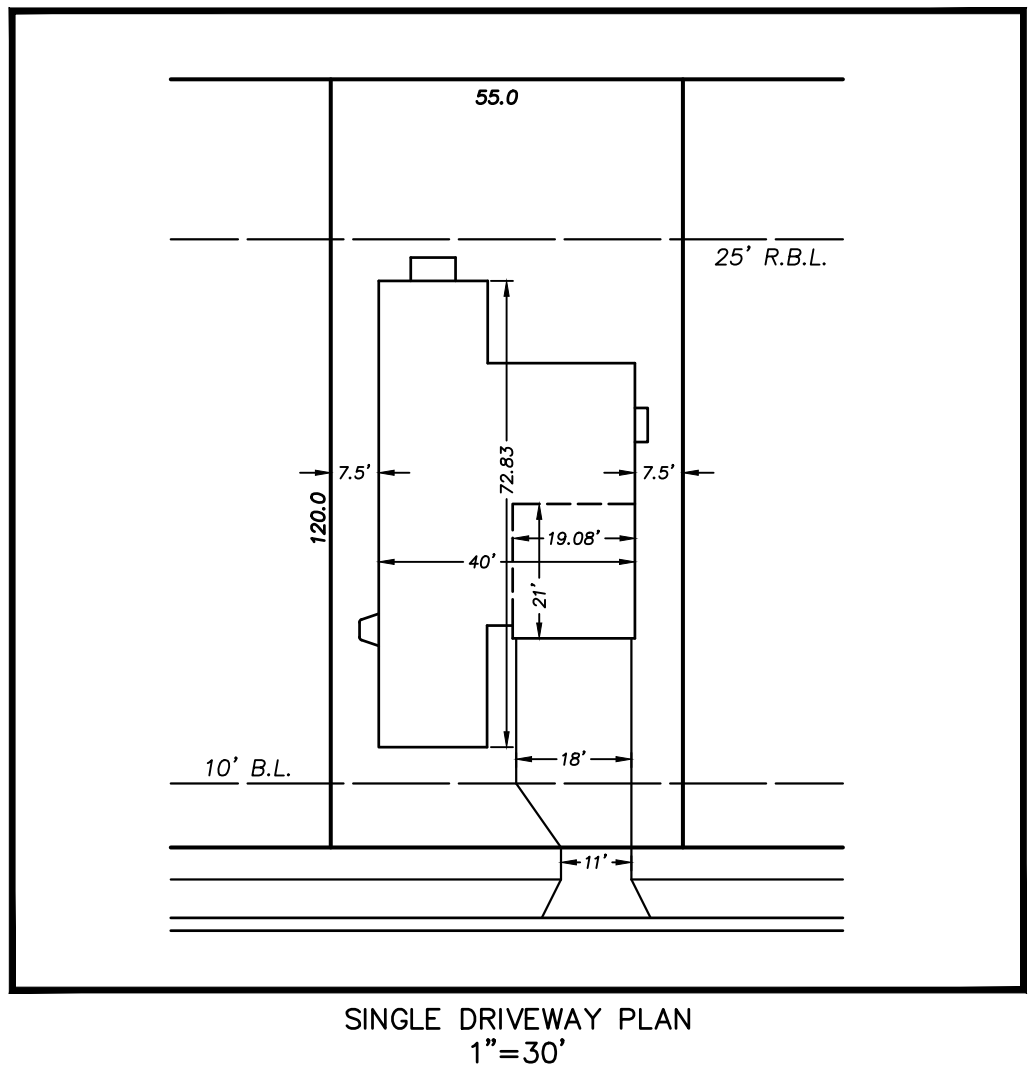
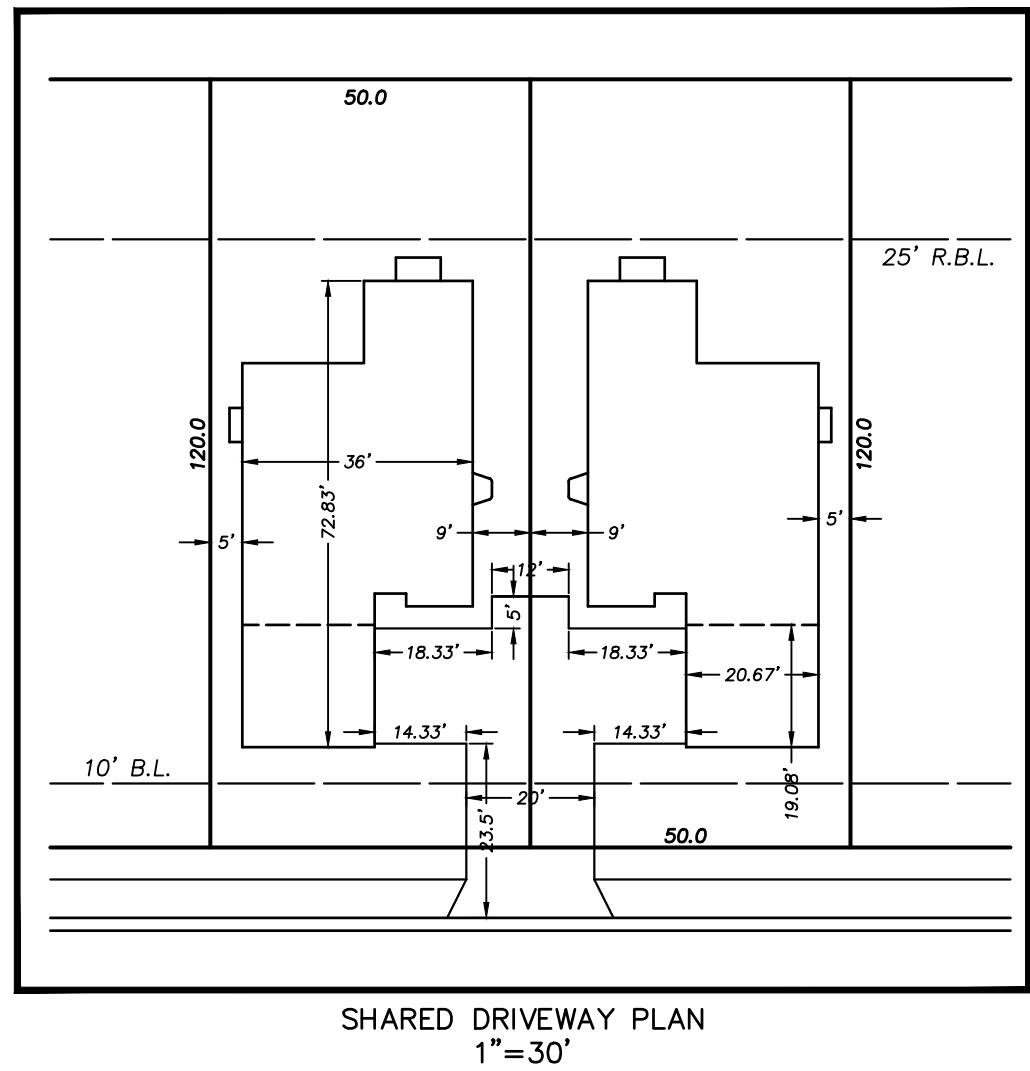
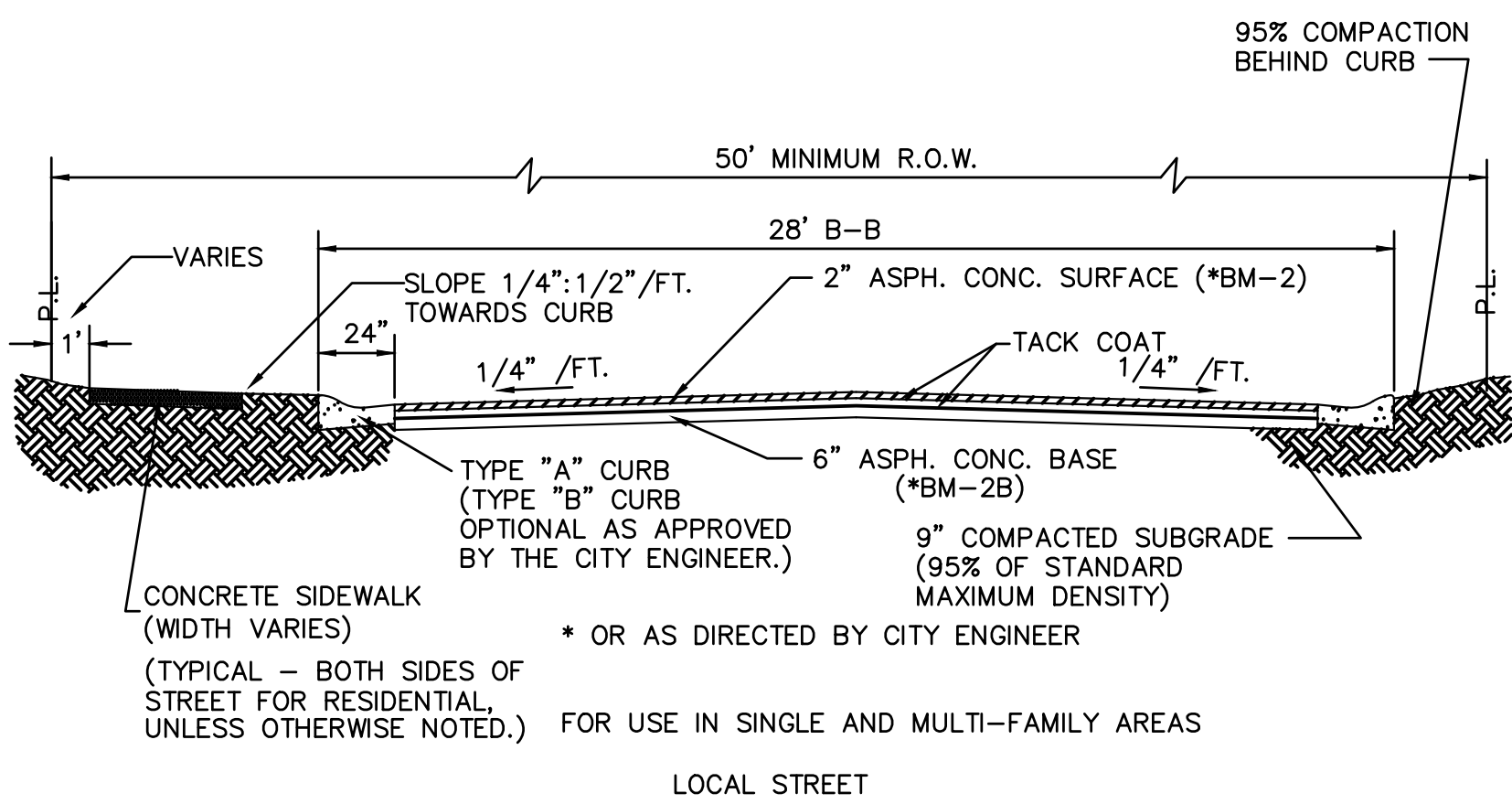
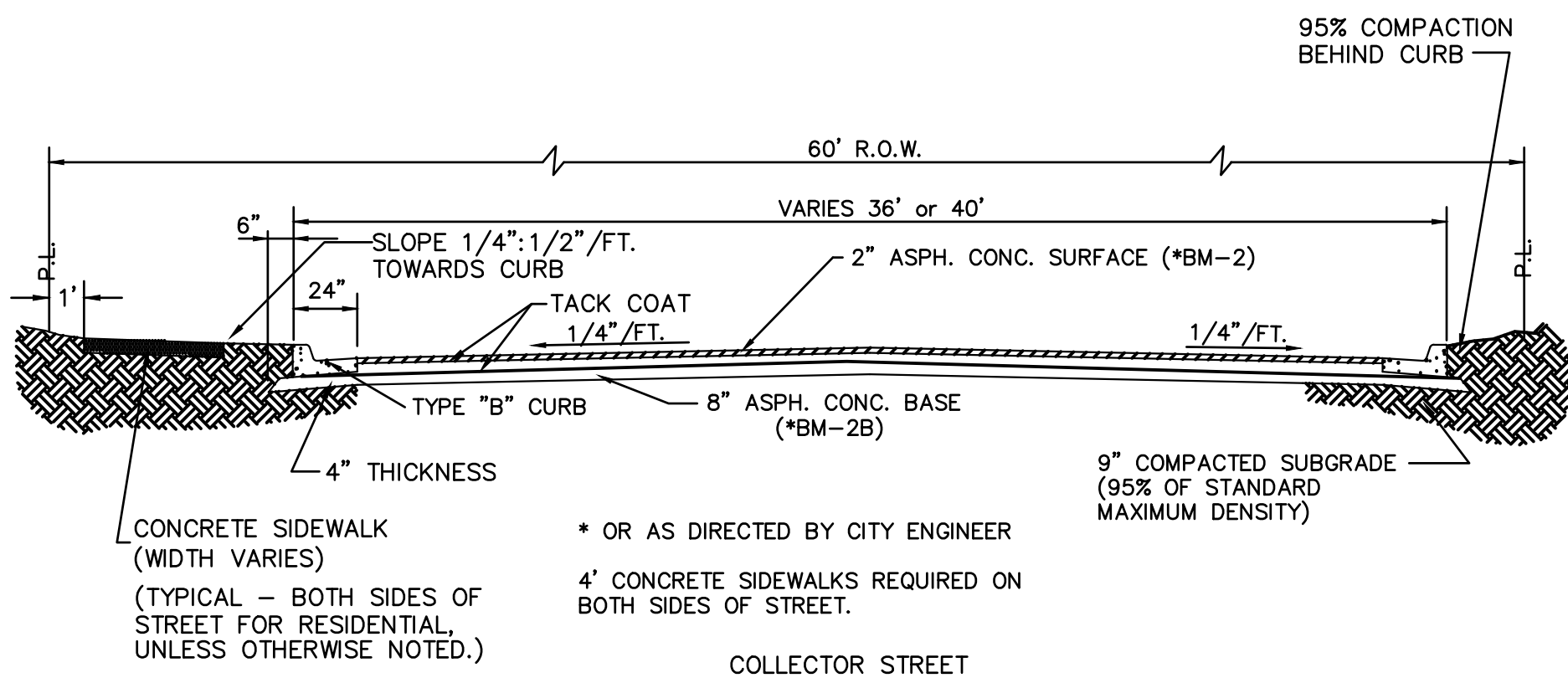
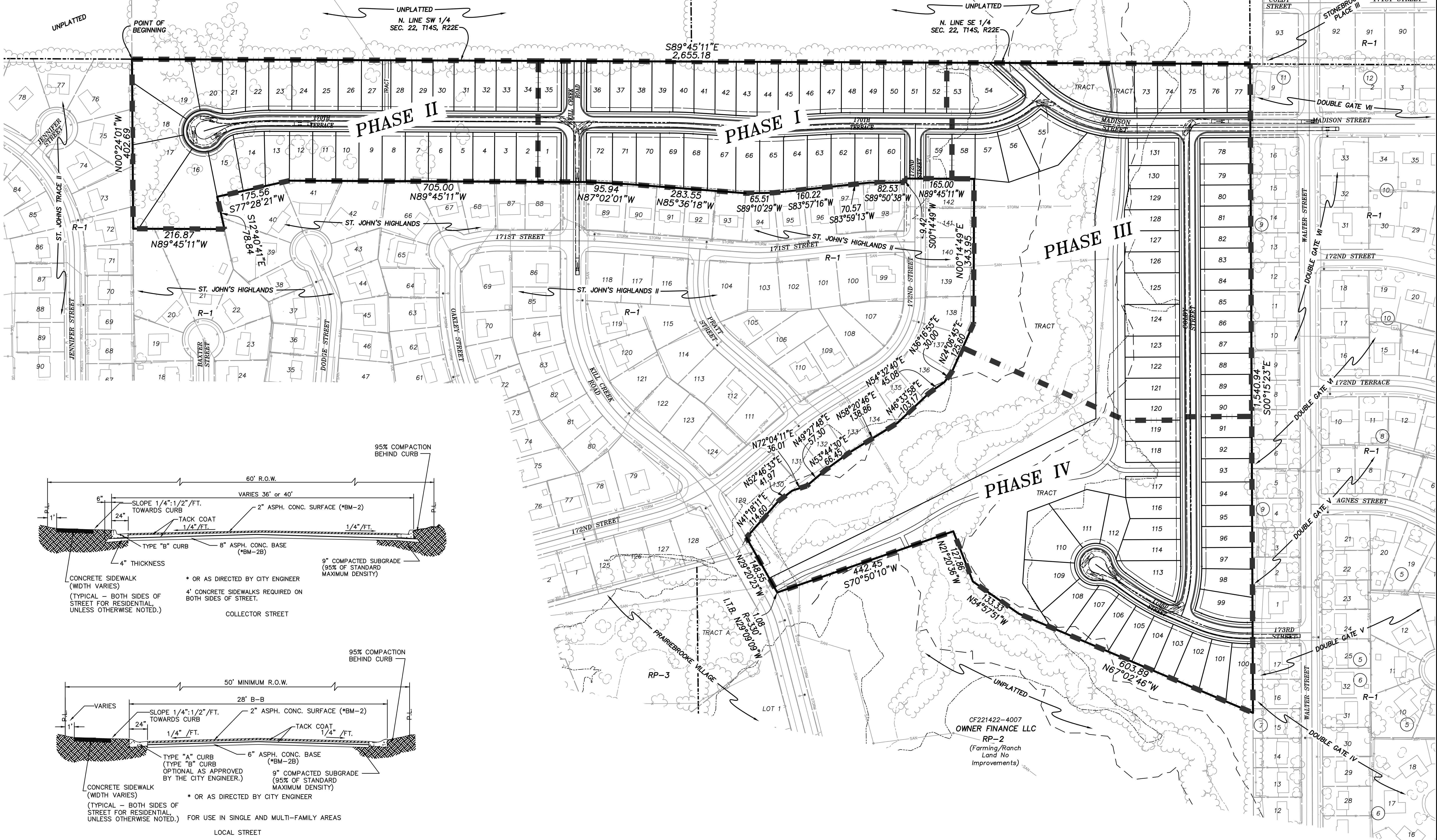
BRECKENWOOD CREEK

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	3/05/20	CITY COMMENTS	CTA
2	3/16/20	CITY COMMENTS	CTA

2F221422-1003
SUNRISE INVESTMENTS
CORPORATION
RUR
(Farming/Ranch
Land No
Improvements)

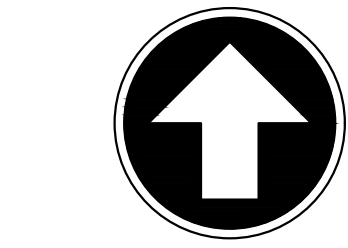
2F221422-1001
LYNN A & JOAN A
JOHNSON TRUST
RUR
(Farming/Ranch
Land No
Improvements)

CF221422-3001
SEJ LLC
R-1
(Farming/Ranch
Land No
Improvements)



E-ONE HP100 Aerial
Overall Length 40.000ft
Overall Width 8.333ft
Overall Body Height 11.000ft
Min Body Ground Clearance 1.393ft
Track Width 8.333ft
Lock-to-lock time 6.00s
Max Wheel Angle 45.00°

N.T.S.



1" = 100'

R/W DENOTES RIGHT-OF-WAY
ST DENOTES SIGN POST
FH DENOTES FIRE HYDRANT
WV DENOTES WATER VALVE
WM DENOTES WATER METER
PP DENOTES POWER POLE
LP DENOTES LIGHT POLE
AC DENOTES AC UNIT ON CONC PAD
FF DENOTES FINISHED FLOOR ELEVATION
RD DENOTES ROOF DRAIN
FO DENOTES FIBER OPTICS
LA DENOTES LANDSCAPE AREA
SCV DENOTES SPRINKLER CONTROL VALVE
MH DENOTES MANHOLE
S DENOTES SANITARY SEWER LINE
W DENOTES WATER LINE
SAN DENOTES SANITARY SEWER LINE
UPR DENOTES UNDERGROUND POWER LINE
OHP DENOTES OVERHEAD POWER LINE
TEL DENOTES UNDERGROUND TELEPHONE LINE
UGL DENOTES UNDERGROUND GAS LINE
UGL DENOTES UNDERGROUND STREET LIGHT LINE
C DENOTES EXISTING CONTOURS
B DENOTES EXISTING BUILDING LINE
O DENOTES OVERHANG

--- DENOTES PHASE BOUNDARY LINES

PHASE LOTS/TRACTS

I 33/1
II 33
III 36/4
IV 29/2

Prepared By: Payne & Brockway Engineers, P.A.
P. O. Box 128
Olathe, Kansas 66051
913-782-4800

Prepared For: Breckenwood Creek LLC
c/o Craig Schaffer
6709 W. 119th Street, #211
Overland Park, Kansas 66209
913-208-9024

Date Prepared: February 7, 2020

PHASING & VEHICULAR TRACKING PLAN

BRECKENWOOD CREEK
NW 1/4 SEC. 12 T14S, R22E



Payne & Brockway P.A.
CIVIL ENGINEERS & LAND SURVEYORS
426 SOUTH KANSAS AVE. OLATHE, KANSAS 66051
PH 913.782.4800 FAX 913.782.0997
WWW.PAYNE-BROCKWAY.COM

DATE 2/07/20 SCALE 100 SHEET 3 OF 3



BUSINESS & ECONOMIC DEVELOPMENT

March 2, 2020

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, March 24, 2020, beginning at 7:00 p.m.**, in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

Z-20-04: Proposed rezoning of approximately 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District on property located approximately 0.4 miles north of 175th Street, along Kill Creek Road (Tax ID CF221422-2007).

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged. Please note that the Planning Commission will also consider a plat application subdividing the lots for Detached House – Neighborhood (small single-family) residential use for this property at this meeting.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0954.

After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more information, contact the Business & Economic Development Department.

PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

Sincerely,

Kelly Drake-Woodward, AICP
Chief Planner

Enclosure



ZONING MAP AMENDMENT (REZONING) APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Breckenwood Creek, LLC
Contact Craig J. Schaffer
Address 6709 W 119th Street, #211
City Overland Park State KS Zip 66029
Phone 913-209-9024 Email craig@craigbretthomes.com

APPLICANT/AGENT INFORMATION

Name(s) Payne & Brockway, P.A.
Contact Todd Allenbrand
Address 426 S. Kansas Avenue
City Olathe State KS Zip 66061
Phone 913-782-4800 Email todda@payne-brockway.com

SITE INFORMATION

Property Address/Location: 171st Street and Kill Creek Road
Legal Description (Attach If Necessary) Pt. of the E½, SW¼ & W½, SE¼ of Sec. 22-14-22
Total Site Area 38.6
Present Zoning R-1 Proposed Zoning R-2
Present Land Use Single Family Proposed Land Use Single Family
Proposed Building Type(s) Detached House- Neighborhood

Please indicate a reason for the request:

The rezoning request is to give the developer an option for smaller single-family lots.

SIGNATURE

I/We, the undersigned am/are the (owner(s)), (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for rezoning as indicated above.

Signature(s): C. J. Schaffer Date 2/02/20

Date _____

ZONING MAP AMENDMENT (REZONING) APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Digital copies (PDF) of the completed application and legal description (Word) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Sign posting affidavit |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Preliminary Development Plan application and plans (if rezoning to a planned development) |

Please respond to the following statements:

Anticipated relationship of proposed zoning to economic development or public health, safety and welfare:

We believe the proposed use will create affordable entry level housing, attracting younger families as well as empty nester's and/or retired people looking for smaller single-family homes. The proposed use will have a direct economic benefit for the City as the development proceed. The proposed use will also add another road connection for the existing development to the south as well as a needed water main loop.

Anticipated impact of proposed zoning/use on existing public infrastructure:

We believe there will be no detrimental impact to the public infrastructure. This belief is supported by the fact that the proposed use is utilizing the road network and future utility connections that were approved with the original 2003 preliminary, Prairiebrooke.

I hereby submit all information required for rezoning application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

C. [Signature]
Signature of Applicant

2/01/20
Date

OWNER AFFIDAVIT

I/WE Craig J. Schaffer, Member of Breckenwood Creek LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of Feb, 2020, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Payne & Brockway P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding 38.60 Acres at 171st Street & Kill Creek Road (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Craig J. Schaffer
Craig J. Schaffer, Member
of Breckenwood Creek LLC

Owner

STATE OF KANSAS

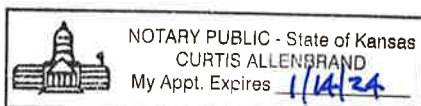
COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this 6th day of February, 2020, by

Craig J. Schaffer, Member

My Commission Expires:

C. J. Schaffer
Notary Public





PRELIMINARY PLAT APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Breckenwood Creek LLC
Contact Craig J. Schaffer
Address 6709 W 119th Street, #211
City Overland Park State KS Zip 66029
Phone 913-209-9024 Email craig@craigbretthomes.com

APPLICANT/AGENT INFORMATION

Name(s) Payne & Brockway, P.A.
Contact Todd Allenbrand
Address 426 S. Kansas Avenue
City Olathe State KS Zip 66061
Phone 913-782-4800 Email todda@payne-brockway.com

SITE INFORMATION

Property Address/Location 171st Street and Kill Creek Road
Legal Description (Attach If Necessary) Pt. of the E $\frac{1}{2}$, SW $\frac{1}{4}$ & W $\frac{1}{2}$, SE $\frac{1}{4}$ of Sec. 22-14-22
Number of Existing Lots 0 Number of Proposed Lots 131
Total Site Area 38.6 Present Zoning R-2
Number of Existing Structures 0 Present Land Use Single Family
Proposed Street Design Type(s) & Class Neighborhood
Proposed Type(s) Open & Civic Space Natural Area & Trail/Greenway
Proposed Frontage Type(s) Terrace
Proposed Building Types(s) Detached House- Neighborhood

SIGNATURE

I/We, the undersigned am/are the (owner(s)), (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for preliminary plat as indicated above.

Signature(s):  Date 2/01/20

Date _____

19-0029

PRELIMINARY PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Preliminary Floodplain modeling using HEC-RAS model provided by the City if encroachment is proposed within a FEMA or Shaded Zone X 100-year floodplain. (Contact City Engineer to obtain model and requirements). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8. Preliminary Stormwater Management Plan (2 printed and 1 digital copy) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Preliminary Traffic Assessment See Access Management Code. (2 printed and 1 digital copy) |

PRELIMINARY PLAT REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Name of subdivision (unique and numerically consistent and the words "PRELIMINARY PLAT," prominently displayed as the title.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Names, addresses, and phone numbers of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Date of preparation of preliminary plat and/or revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Vicinity map (drawn at a scale of 1"=2,000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. A legal boundary description with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Location of monuments , shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. All public streets within the plat conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Building setback lines along public and private streets with dimensions in feet. |

- | Yes | No | |
|-------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Platted and unplatted land adjacent to the plat boundary. Include identification of adjacent platted subdivisions and unplatted tracts with external bearings and distances of adjacent plats and property owners for a distance of not less than 400 feet. Include original plat names if replatted. Exterior dimensions shall coincide with adjoining plats unless differences are noted |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Lots and tracts identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Note on plat indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Existing streets, driveways, trails, and sidewalks which abut, touch upon or extend through the subdivision and/or streets located within 400 feet of the plat. The description shall include types and widths of existing surfaces, right-of-way widths, and dimensions of any bridges and culverts, access points and signals. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Location of existing open space, alleys, parks, streams, ponds, vegetation , or other similar features within plat, and whether they are to be retained or removed. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. Location of existing buildings and structures within 200 feet of the plat. |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Existing utilities , including sanitary sewer, force main, water main, gas mains, culverts and storm sewer pipe, street lights, electric conduits, and invert elevations of sewers at points of proposed connection. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Topography of the area contained in the plat and within 20 feet of the plat boundary shown by 2-foot contour intervals and proposed preliminary grading. Contour lines shall be legible but not overpowering. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Proposed street network , including right-of-way, bearings, tangents, and horizontal and vertical curvature data (use of flow direction arrows and percent of grade is permitted at preliminary for vertical curve data, unless otherwise specified/required) along the centerline of each street. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Proposed sidewalks and/or trail locations including proposed widths. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. Proposed utilities , including approximate location of sanitary sewer, water main, street lights, storm sewer, detention and treatment facilities. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 22. Any area within a federally designated floodplain . Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Stream corridor boundary and dimensions. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Intersection site distance analysis . |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 25. Copies of all pertinent exception documents , or a copy of a current American Land Title Association (ALTA) survey, or both. |



Written explanations for any items not checked or checked "No" (attach additional sheets, if necessary):

5) No covenants and restrictions are established. 6) The developer is in discussion about establishing an HOA or entering into an existing HOA
7) Preliminary floodplain modeling will be supplied at a later date. 8) Preliminary stormwater management plan will be supplied at the time of the
preliminary floodplain modeling. 9) Not applicable. 12) Final platting will address ownership, purpose and maintenance responsibilities of tracts. 23) Stream corridor
will be determined and shown at the stormwater management plan has been completed. 24) Intersection sight distance will be shown on the landscape plan

I hereby submit all information required for preliminary plat review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted. By signing this application, I acknowledge that all public streets and public infrastructure within the plat shall conform to the applicable minimum design standards set forth in the Gardner Municipal Code and the Technical Specifications.

Signature of Applicant

Date

OWNER AFFIDAVIT

I/WE Craig J. Schaffer, Member of Breckenwood Creek LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of Feb, 2020, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Payne & Brockway P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding 38.60 Acres at 171st Street & Kill Creek Road (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Craig J. Schaffer
Craig J. Schaffer, Member
of Breckenwood Creek LLC

Owner

STATE OF KANSAS

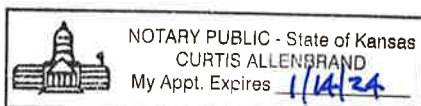
COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this 6th day of February, 2020, by

Craig J. Schaffer, Member

My Commission Expires:

C. J. Schaffer
Notary Public



COUNCIL ACTION FORM

COMMITTEE RECOMMENDATION NO. 2

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: LARRY POWELL, BUSINESS & ECO DEV DIRECTOR

Agenda Item: Consider adopting an ordinance approving a rezoning of 100.4 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner C-3 (Heavy Commercial) District for Prairie Trace. (Z-20-03)

Strategic Priority: Economic Development, Asset and Infrastructure Management

Department: Business & Economic Development

Planning Commission Recommendation:

After review of Application Z-20-03, a Zoning Map Amendment for portions of parcels 2F231429-3001 and 2F231429-1001 located southwest of the intersection of W. 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approves the application as proposed, provided the following conditions are met/actions are taken:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.

Staff Recommendation:

Staff recommends approval of the rezoning application per information presented in the March 24, 2020 staff report, with conditions of approval to address County concerns regarding the nearby New Century AirCenter operations.

Background/Description of Item:

These properties were annexed into the City on September 3, 2019 per Ordinance 2622, retaining the County zoning designations. The subject property is located southeast of the I-35 and 175th Street interchange, is in unimproved agricultural use, and is surrounded by other such uses. The subject properties are part of a larger development project that includes proposed single-family residential, multi-family residential and commercial zoning districts. The commercial portion is what is included in this application.

The subject property is located within one mile of the New Century AirCenter, and is therefore subject to review by the Airport Commission and Johnson County Board of County Commissioners in accordance with applicable State Statute and Section 17.06.030 Industrial

Airport Overlay District of the LDC. The intent is to ensure that the height of buildings, structures, or trees, the location of certain land uses, and other development issues near the Johnson County Industrial Airport do not present a hazard to people or property, or interfere with the safe operation of the Airport. The County provided initial review comments that are included in the Planning Commission packet.

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two area plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* that was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized for the future land use in that area in the plan. The property is shown for Regional Commercial, Commercial and Light Industrial, Heavy Commercial and Industrial, and Parks/Recreation/Open Space future land uses. The subject parcel is identified for Regional Commercial and Commercial and Light Industrial future land uses.

Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest subject parcel, multi-family on the west, and single-family on the east and south. The idea is to leverage the accessibility and visibility of the interchange to attract commercial opportunities that are further supported by adjacent residential development.

This rezoning request is consistent with the future land use map of the Comprehensive Plan.

Staff findings on the rezoning are that this parcel, being located adjacent to a major highway interchange, is a key growth and development area for the Gardner community. The C-3 (Heavy Commercial) District would accommodate commercial, civic and industrial building types, and a wide variety of civic/institutional, retail, service and employment, and industrial uses. The anticipated street network meets the general configuration as conceptualized in the applicable subarea plan and will provide access to properties that parallel the interstate. The proposed development of which this is a part allows for a transitional pattern with higher-intensity uses adjacent to the major roadways, and lesser-intensity uses adjacent to agriculture and low-density residential areas. As currently zoned, the property has remained undeveloped for many years. Development can only be accommodated by rezoning to a City zoning district. The proposed rezoning remains consistent with restrictions within the County regarding potential land uses. There is anticipated to be a net gain in favor of economic development and public health, safety and welfare with consideration of this application.

The City of Gardner Strategic Plan indicates an opportunity for the city to annex adjacent land areas that could be developed into commercial and industrial properties that would diversify the tax base. This application is consistent with that goal by seeking to attract businesses and private investment. This application supports economic opportunity and the diversification of the tax base, and provides quality of life through strengthening the regional image.

At the March 24, 2020 Planning Commission meeting, the Commission held a public hearing regarding the rezoning application. There were four interested people in attendance though

none spoke. The Planning Commission recommended approval of the rezoning by a unanimous vote of 7-0.

ACTIONS

Per Section 17.03.030 (D) of the *Gardner Land Development Code*, the Governing Body may:

1. Adopt such recommendation by ordinance, (simple majority vote)
2. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body, or
3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

Financial Impact:

None at this time. Extension of utilities to the site at a later date.

Other Impacts:

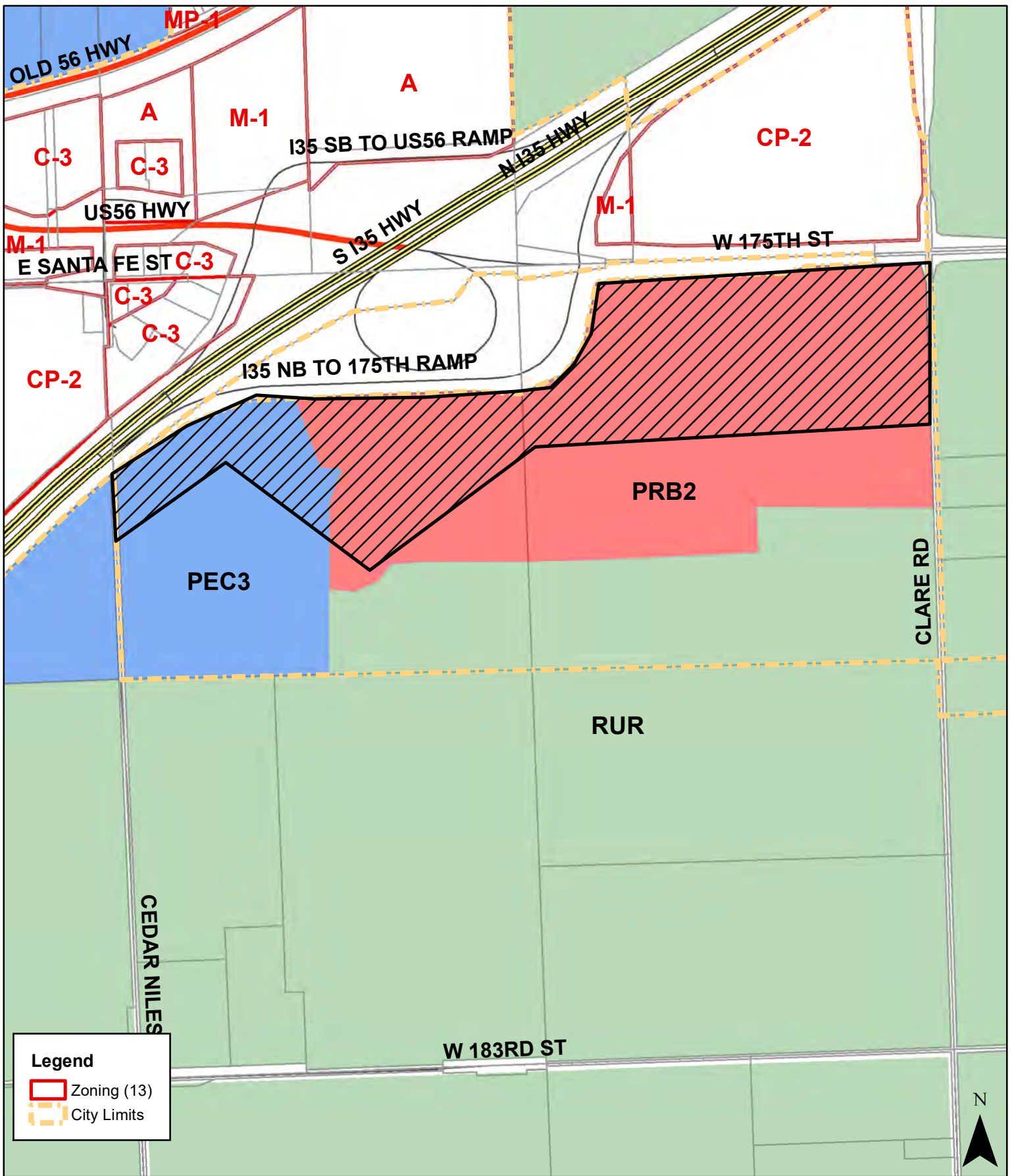
None

Attachments included:

- Vicinity Map
- Ordinance
- March 24, 2020 draft Planning Commission minute excerpt
- Planning Commission packet

Suggested Motion:

Accept the recommendation of the Planning Commission and approve Ordinance No. 2657, an ordinance changing the zoning classification or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.



ORDINANCE NO. 2657

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on March 24, 2020, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas Land Development Code, the recommendation of the Planning Commission is hereby approved and the zoning classification or districts of the lands legally described hereby are changed in conformity therewith as follows:

The following described property located southwest of the intersection of 175th Street and S. Clare Road shall hereafter have a zoning classification from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner C-3 (Heavy Commercial) District.

CASE NO. Z-20-03

Rezoning from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner C-3 (Heavy Commercial) District:

Legal Description:

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet to a point on the East line of the Northwest One-Quarter of said Section 29; thence continuing North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of said Section 29; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along

the East line of said Northeast One-Quarter a distance of 1052.00 feet; thence leaving said East line South 88 degrees 09 minutes 34 seconds West, a distance of 1046.29 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 50 degrees 12 minutes 53 seconds, a chord bearing of North 66 degrees 43 minutes 59 seconds West, and an arc length of 262.92 feet; thence North 41 degrees 37 minutes 53 seconds West, a distance of 111.94 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 22 minutes 27 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 17 minutes 16 seconds, a chord bearing of South 68 degrees 31 minutes 05 seconds West, and an arc length of 351.58 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 577.23 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1756.55 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1119.42 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.33 feet to the Point of Beginning, and containing 100.3990 acres, more or less.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Land Development Code as amended.

{The remainder of this page left intentionally blank}

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the Governing Body and publication in the official City Newspaper.

PASSED by the Governing Body this 20th day of April, 2020.

SIGNED by the Mayor this 20th day of April, 2020.

(SEAL)

CITY OF GARDNER, KANSAS

Attest:

Steve Shute, Mayor

Sharron Rose, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney

(Case No. Z-20-03)

EXCERPT OF PLANNING COMMISSION MEETING MINUTES
CITY OF GARDNER, KANSAS
Tuesday, March 24, 2020

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Tuesday, March 24, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner McNeer
Commissioner Meder
Commissioner Simmons-Lee

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Ryan Denk, City Attorney (via phone)

There were three members of the public in attendance.

CONSENT AGENDA

1. **Approval of the minutes as written for the meeting on February 25, 2020.**

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

REGULAR AGENDA

2. **PRAIRIE TRACE**

Located southeast corner of W 175th Street and Interstate 35

- a. **Z-20-03**: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 and PEC3 Districts to City of Gardner District C-3.
- b. **Z-20-02**: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 and PEC3 Districts to City of Gardner District R-3.
- c. **Z-20-01(PDP-20-01)**: Hold a public hearing and consider a rezoning of approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace.
- d. **PP-20-01**: Consider a preliminary plat 356 single-family lots for Prairie Trace.

Ms. Michelle Leininger, Principal Planner, began the presentation with a summary of the project that includes three rezoning applications for a proposed development adjacent to the I-35 and 175th Street interchange. The project features commercial, multi-family, and single-family land uses and a total of four proposed zoning districts. Two of the proposed zoning districts are regular zoning districts (not planned districts) and include the C-3 (Heavy Commercial) and R-3 (Garden Apartment) Districts. Two of the proposed zoning districts are planned districts and include the RP-1 (Planned Single-Family Residential) and RP-2 (Planned Two-Family Residential) Districts.

Application **Z-20-03** is a request to rezone a portion of two parcels from County zoning designations to a City commercial zoning designation. The location of the property is just southeast of the I-35 and 175th Street interchange and abuts Clare Road on the east. They were annexed into the City last September and are currently unimproved agricultural use. The existing infrastructure includes Evergy overhead electric lines along the entire south property border and a portion of the north border and overhead electric primary lines on the adjacent parcel to the west. A City of Gardner gas line runs along the west property boundary and a Southern Star gas pipeline running through the central portion of the property and has been a major obstacle for the applicant. There is also a no-build 66' easement around this pipeline. The request is to rezone from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner C-3 (Heavy Commercial) District. Since this request is not to rezone to a planned district, no formal development plan has been submitted with the application. The plans are conceptual. This development will be served by new arterial and collector streets that provide access to 175th Street and Clare Road, and continue south paralleling the interstate.

Because the property is located within 1 mile of the New Century AirCenter, plans will be reviewed by the Airport Commission and Johnson County Board of Commissioners. Kansas Statutes give the county statutory authority to adopt zoning and land use regulations within a one mile radius of the airport. The AirCenter has adopted a modified review area called the "Airport Interest Area" that shows recommended future land uses and their impact to airport facilities. This parcel lies within the boundaries of both and is therefore subject to their reviews. There is a flight corridor that will impact future development on the west 125' of this property. These corridors are intended to be reserved for open spaces or compatible non-residential uses without concentrations of people. The two primary concerns for the County are noise impacts of aircraft operations and operationally safe approaches

that protect the public. The application will be presented to the Johnson County Airport Commission and County Commission for approval after the City's review.

The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan. The north and west sides of the property are designated for Regional Commercial, with Commercial and Light Industrial and Heavy Commercial and Industrial in the central and south areas of the property. There are also some smaller areas of Parks/Recreation and Open Space. The C-3 (Heavy Commercial) zoning district is one of three zoning districts that the *Land Development Code* identifies as typically associated with the Regional Commercial future land use; the other applicable districts are the C-2 (General Business) and M-1 (Restricted Industrial) districts. Other options include planned districts and the Activity Center Planned District that could be applicable to this area.

Staff finds the proposed rezoning consistent with the Comprehensive Plan and the *I-35 and 175th Street Interchange Subarea Plan*. The street network generally matches the concepts in the subarea plan and the project incorporates good planning in concentrating commercial opportunities near regional transportation routes. The extended utilities for this development will help future development in the area. This rezoning supports goals of the Strategic Plan to annex land that can be developed for commercial opportunities and diversify the tax base. Staff recommends approval with conditions.

Mr. Travis Schram, Grata Development and applicant, spoke via video conferencing to present the project. The primary item he wanted to stress was he had numerous conversations with the County for their thoughts on what was required to comply with the needs of the airport. He felt everyone would be in agreement on the preliminary plan he would be submitting. He then reserved additional comments for the other applications being presented.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by McNeer and seconded by Hansen.

Motion passed, 7-0.

COMMISSION DISCUSSION

The Planning Commission had no questions nor comments.

Motion made after review of Application Z-20-03, a Zoning Map Amendment for portions of parcels 2F231429-3001 and 2F231429-1001 located southwest of the intersection of W. 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the

Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

- 1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.**
- 2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.**
- 3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.**
- 4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.**

Motion made by Simmons-Lee and seconded by Ford.

Motion passed 7-0.

PLANNING COMMISSION STAFF REPORT
MEETING DATE: MARCH 24, 2020

NEW BUSINESS ITEM NO. 2A

PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER

PROJECT NUMBER / TITLE: Z-20-03 Rezoning Prairie Trace Commercial

PROCESS INFORMATION

Type of Request: Zoning Map Amendment (Rezoning)

Date Received: January 10, 2020

APPLICATION INFORMATION

Applicant: Schlagel & Associates, PA

Owner: Grata Development

Parcel ID: Portions of Tax Ids 2F231429-3001& 2F231429-1001

Location: Southwest of the intersection of 175th Street and S. Clare Road

REQUESTED ACTION

Hold a public hearing on and consider a rezoning of 100.4 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District C-3 (Heavy Commercial) District.

EXISTING ZONING AND LAND USE

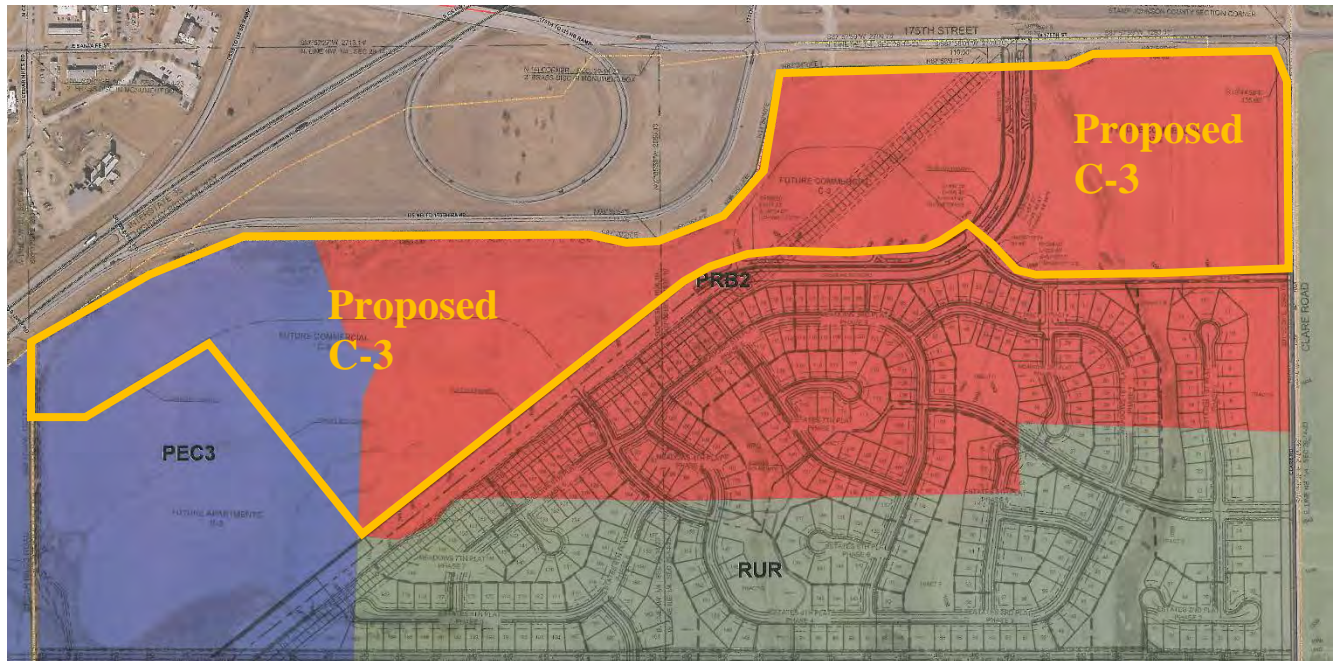
Although the property was annexed on September 3, 2019 per Ordinance 2622, it retains the County zoning designations of County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District. The site is currently an unimproved agricultural use. It is located just southeast of the I-35 and W. 175th Street interchange, with other mostly unimproved agricultural uses surrounding the area currently.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
KDOT right-of-way	Interstate 35
C-3 (Heavy Commercial) District	Hotels, restaurant and vacant
CP-2 (Planned General Commercial) District	Unimproved agriculture use
M-1 (Restricted Industrial) District	Vacant
East of subject property	
County RUR (Rural) Districts	Unimproved agriculture use
South of subject property	
County RUR (Rural, Agriculture) District	Unimproved agriculture use

West of subject property	
County PEC3 (Planned Light Industrial Park) District	Unimproved agriculture use
KDOT right-of-way	Interstate 35

This graphic shows the approximate location of the County zoning designations in comparison to requested zoning amendment. The roads and lots shown in the image are draft plans associated with the single-family portion of the Prairie Trace development (reference only).

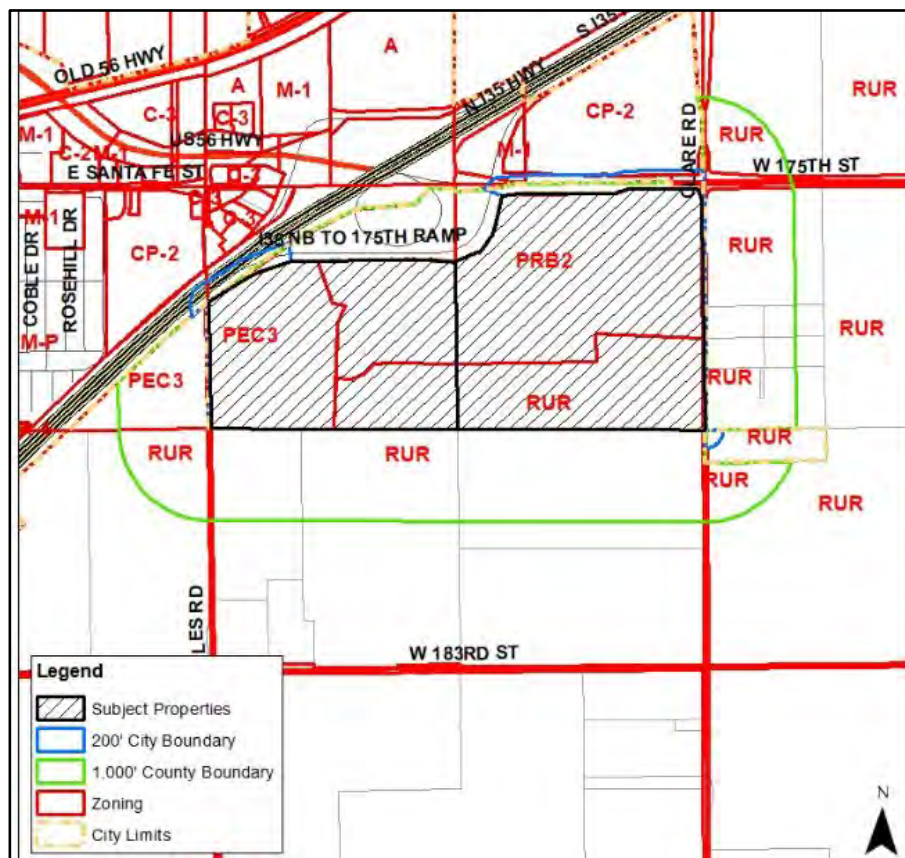


EXISTING CONDITIONS

The property is currently not platted and is unimproved. See first satellite image next page. The floodplain layer is overlaid in blue shading.

BACKGROUND / HISTORY

The property was annexed on September 3, 2019 per Ordinance 2622 without any official City action to rezone the property. This application is to rezone the property to a City zoning district. See second image next page for the notification boundaries of 200' in the city (blue line) and 1,000' in the County (green line) for this hearing.



The subject property is located within 1 mile of the New Century AirCenter, and is therefore subject to review by the Airport Commission and Johnson County Commission in accordance with applicable State Statute and Section 17.06.030 Industrial Airport Overlay District of the LDC. The intent is to ensure that the height of buildings, structures, or trees, the location of certain land uses, and other development issues near the Johnson County Industrial Airport do not present a hazard to people or property, or interfere with the safe operation of the Airport. Per K.S.A. 3-307e, the airport commission shall make zoning recommendations for the airport and surrounding areas within one mile except where such areas have already been zoned by city. Any changes in existing city zoning must have the approval of the board of county commissioners.

Please see Attachment V for full comment by County planning staff, including helpful maps (note the eastern-most flight corridor has been abandoned so the applicable flight corridor is "C" in the vicinity of Cedar Niles Road). The subject property is within the Airport Interest Area, and the western 125 feet of the multi-family property is impacted by a flight corridor. The two primary concerns for compatibility of uses within the Airport Interest Area are noise impacts of airport operations and protecting the public with operationally safe approaches. The flight corridors are intended to be reserved for open space areas or compatible nonresidential land uses (commercial and industrial uses without concentrations of people, such as parking lots, storage areas, etc).

The future land use map the New Century AirCenter (NCAC) Comprehensive Compatibility Plan (which was adopted in 1996) serves as a recommendation for compatible uses and land use restrictions within the Airport Interest Area. The plan has not been revised in many years. Future land uses for the subject property include Airport Industrial Park for the majority of the parcel and General Commercial on the northeast portion. These are described as low intensity office or warehouse uses (no meeting places or auditoriums).

Johnson County planning staff and Airport staff have done a preliminary review of this application and submitted comments which may or may not reflect official views or comments of the Board of County Commissioners. The County typically wants to review preliminary development plans or conceptual plans with rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the NCAC Comprehensive Compatibility Plan. However, because this is not a rezoning to a planned district, these types of plans are not required to be submitted with the rezoning application according to City regulations, and thus have not been formally submitted. Any plans for these areas are only conceptual at this point. Until such plans and applications are submitted to the County, the applicant cannot be assured of zoning approval. However, County staff has suggested that they could support the rezoning applications with some conditions of approval. Again, this does not necessarily reflect final action by the County Commission.

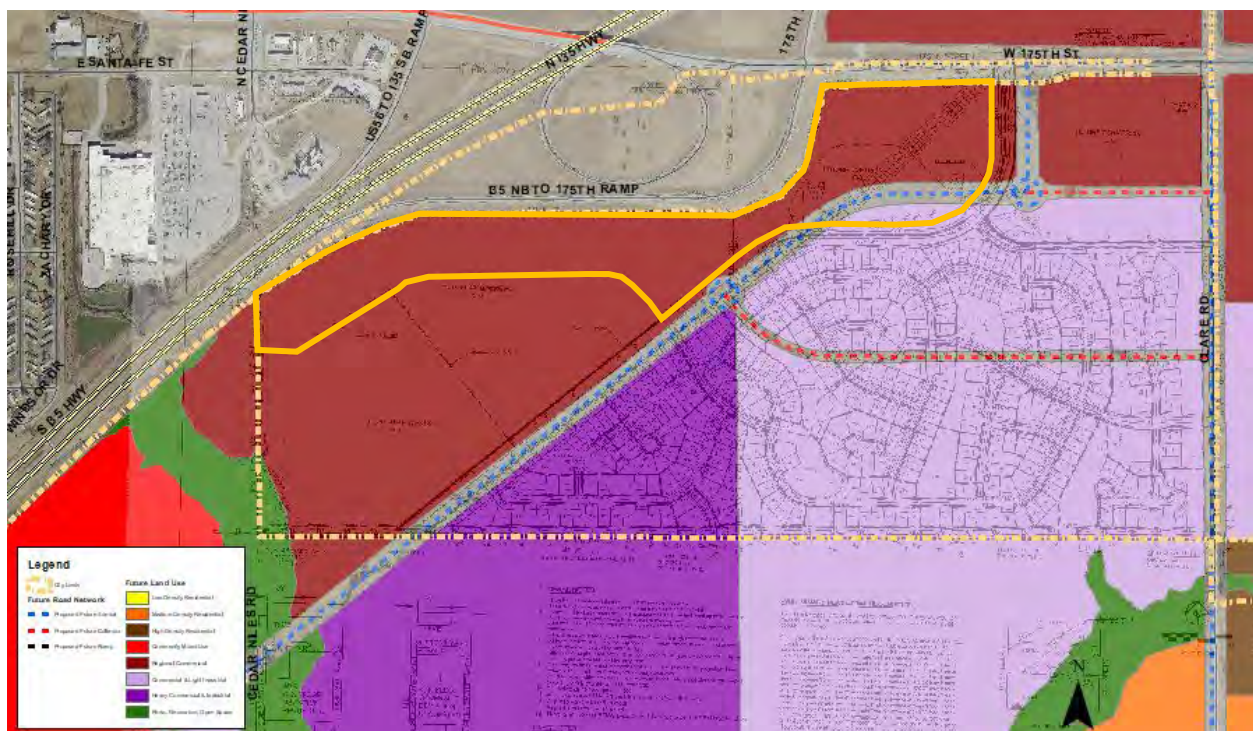
With regard to the subject property, the County is concerned with the following:

- A preference to have low-density commercial and industrial uses adjacent to and within the primary flight corridor.
- Having no buildings within the primary flight corridor (western 125' of the property).
- Maximizing open space adjacent to the primary flight corridor.
- Having no permanent water features or drainage areas in proximity to the primary flight corridor.
- Compatibility of commercial uses with airport operations.
- No uses that attract crowds in excess of 500 persons at a time, or concentrates people who have limited ability to respond to emergency situations (day care, nursing homes).

- Impacts of lighting on airport operations.
- Noise-proofing of development located in the Airport Interest Area.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as “Southeast Quadrant Market Determined Growth Area” with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Commercial and Light Industrial future land uses.



Regional Commercial is described as follows:

- *The intent of the Regional Commercial land use designation is to allow for retail and service uses located near I-35 interchanges. A regional commercial area provides goods and services aimed toward those traveling by an auto and capitalizes on accessibility from areas beyond Gardner. This designation may also include light industrial and utility uses.*
- *Intensity: Medium-High*

- *Zoning Districts: C-2 General Business District, CP-2 – Planned General Business District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District; M-1 Restricted Industrial District, MP-1 Planned Restricted Industrial District.*
- *Building Types: Small Commercial – Storefront, Small Commercial/Pad Site, Mixed-Use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial*
- *Primary Uses: Assembly, cultural and public service, school, open/civic space, residential care, retail, grocery, outdoor sales, convenience store/fuel station, animal care, food and beverage, health care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing – limited/artisan, light, and general, commercial storage, animal care, freight and distribution – light, vehicle equipment service repair – limited, general, and heavy, public utility facility – minor*

Commercial & Light Industrial is described as follows:

- The Commercial & Light Industrial land use designation involves the manufacturing, processing, storage and distribution of goods and materials that may have limited effect on surrounding uses. Typically, operations occur indoors with large office parks and corporate campuses also being suitable.
- Intensity: Medium
- Zoning Districts: C-O Office District, CP-O Planned Office District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District, M-1 – Restricted Industrial District, MP-1 – Planned Restricted Industrial District
- Building Types: Row House, Walk-up Apartment, Live/work, Small Commercial – storefront, Small Commercial – Pad Site, Mixed-use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial
- Primary Uses: Multi-unity household living, live/work, assembly, cultural and public service, school, open/civic space, mixed use, small scale retail, outdoor sales, convenience store/fuel station, animal care, food and beverage, health care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing, freight and distribution, commercial storage, agriculture processing, public utility facility – minor.

Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest, multi-family on the west subject parcel, and single-family on the east and south. The idea is for the residential development to support the development of the commercial uses, and to satisfy a market demand for housing in the area close to jobs. Specifically, the developer states that, with respect to the anticipated relationship of proposed zoning to economic development or public health, safety and welfare – "Commercial: The interstate accessibility and visibility of the commercial element of this project make it ideal to attract sales and the subsequent tax revenue from non-residents as they travel along I-35. Additionally, this project will bring more options to the current citizens of Gardner. As the other residential elements of the development mature, the area will see additional retail options of increasing quality and variety."

This rezoning request is consistent with the future land use map of the Comprehensive Plan.

STAFF ANALYSIS - ZONING

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request. This request is for a rezoning to a base zoning district, and thus is not accompanied by a development plan or a plat at this time. The review must consider all potential uses that could occur within the proposed zoning district, although the applicant plans to develop the site with commercial development.

The land use restrictions referenced in the County comments generally refer to external land use impacts such as electrical/electronic interference, negative impacts from lighting, impacts to visibility or movement of aircraft, promoting concentrations of birds, discharging smoke, and single land uses which attract crowds in excess of 500 persons at any one time or concentrate persons with limited mobility (such as children, elderly, or handicapped).

The recommended County conditions of approval that may be appropriate for the City to include as conditions of approval in solidarity with these other jurisdictional entities, as apply to this rezoning application, may include:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.

ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

- 1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;**

Staff Comment: *The character of the neighborhood is rural at present but this is a key development area for the Gardner community. The proposed streets that will serve this parcel meet the general configuration as conceptualized in the applicable subarea plan. The eastern extent of the subject parcel is the intersection of W. 175th Street and Clare Road, and the property extends west to the I-35 interchange. It is anticipated that new Arterial and Collector Streets will provide access to W. 175th Street and Clare Road, and continue along the southern boundary to provide access to properties southwest of the subject property. Civic and open space plans will be reviewed with a site or development plan. The proposed use is consistent with the subarea plan of the Comprehensive Plan. It is anticipated that the County will address concerns regarding the operation and uses of land and buildings after the City process is complete regarding this rezoning application.*

- 2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;**

Staff Comment: *This area of the community has been in agricultural use for many years. Because of its proximity to a major highway interchange, however, this area is slated for growth opportunity. Regional commercial and medium-density residential land uses have evolved near the airport on the other side of this highway interchange with no known incompatibilities with airport operations. This application represents only a portion of the future development for this area, which is to include commercial, multi-family, and single-family land uses. This development is arranged in a transitional pattern with higher-intensity uses adjacent to the major roadways and less intense uses adjacent to remaining agriculture and very low-density residential uses. The C-3 (Heavy Commercial) District would accommodate commercial, civic and industrial building types, and a wide variety of civic/institutional, retail, service and employment, and industrial uses.*

3. The suitability of the subject property for the uses to which it has been restricted;

Staff Comment: *While under County zoning jurisdiction, the subject property was zoned for PRB2 (Planned Residential Neighborhood Retail Business) District which includes opportunity for limited neighborhood retail sales/service and personal service business uses; and PEC3 (Planned Light Industrial Park) District which provides opportunity for research and development, light fabrication/assembly, limited industrial/manufacturing, and warehousing uses. These are suitable land uses based on County plans. In the County, lands could be zoned to a planned district without any plan actually existing, unlike the City. So there are no applicable development plans for the subject parcel. This property has now transitioned into the City's zoning jurisdiction, and is thus subject to the guidance of City plans. This application proposes to accommodate the transition from County to City zoning district.*

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

Staff Comment: *As the overall development is arranged to locate more intense uses close to major roadways and away from existing rural uses, it is anticipated that the removal of the restrictions will not detrimentally affect nearby property as long as issues pertaining to development near the primary flight corridor can be resolved.*

5. The length of time the subject property has remained vacant as zoned;

Staff Comment: *The subject property has always been in agricultural use.*

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

Staff Comment: *The proposed rezoning remains consistent with restrictions within the County regarding potential land uses. This application proposes to accommodate the transition from County to City zoning district. There is anticipated to be a net gain in favor of economic development and public health, safety and welfare with consideration of this application.*

7. The recommendations of professional staff;

Staff Comment: *Staff recommends approval of this rezoning application subject to some basic conditions to acknowledge some of the major concerns of the County pertaining to operations of the nearby airport.*

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: *The rezoning request is consistent with the Comprehensive Plan. The intent of the C-3 (Heavy Commercial) District is to provide retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, and typically are not compatible with or easily integrated with other land uses or development patterns. This supports the intent of the Regional Commercial future land use to allow for retail, service, light industrial and utility uses located near the I-35 interchanges, to provide goods and services aimed toward those traveling by an auto, and to capitalize on accessibility from areas beyond Gardner.*

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

Staff Comment: *Per a development agreement, the City is committed to providing the necessary infrastructure to serve the subject property and adjacent properties. These actions will positively impact the capacity and safety of utilities and other infrastructure to serve not only this development, but other developments in this area in the future.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: *The City of Gardner Strategic Plan indicates an opportunity for the city to annex adjacent land areas that could be developed into commercial and industrial properties that would diversify the tax base. This application is consistent with that goal by seeking to attract businesses and private investment. Adjacent jurisdictions are capturing industrial development opportunity, providing an opportunity for Gardner to support the development of housing and commercial opportunities to compliment those job sources. This application supports economic opportunity and the diversification of the tax base, and provides quality of life through strengthening the regional image.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

Utilities – A City of Gardner gas line runs along the west property boundary. Every overhead electric transmission lines run along the entire south property boundary and a portion of the north boundary. Electric overhead primary lines are on the adjacent parcel to the west. There is also a Southern Star Central Gas Pipeline running through the central portion of the subject property.

Environmental conditions – The subject property is in the Little Bull Creek watershed. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. Rated as very limited soils for dwellings with basements and septic tanks.

Staff Comment: *Pertaining to the anticipated impact of zoning/use on existing public infrastructure, the developer states that “sanitary sewer, water, and electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of*

these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.” The developer will provide necessary road improvements to serve the development.

ATTACHMENTS

- I. Application
- II. Legal Description
- III. Zoning Exhibit
- IV. Zoning and Notice Map
- V. Johnson County staff comments

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

RECOMMENDATION

Staff recommends approval of the rezoning application per information presented in the March 24, 2020 staff report, with conditions of approval to address County concerns regarding the nearby New Century AirCenter operations.

Recommended Motion:

After review of Application Z-20-03, a Zoning Map Amendment for portions of parcels 2F231429-3001 and 2F231429-1001 located southwest of the intersection of W. 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approves the application as proposed, provided the following conditions are met/actions are taken:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.

3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.



Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
P: 913.856.0913 | F: 913.856.4562
www.gardnerkansas.gov

ZONING MAP AMENDMENT (REZONING) APPLICATION

Pre-App Date	_____
Fee	<u>\$1300.00</u> ✓
File No.	<u>Z-20-03</u>

OWNER INFORMATION

Name(s) Grata Development
Contact Travis Schram
Address 6300 W. 143rd Street, Suite 200
City Overland Park State KS Zip 66223
Phone 913-732-4778 Email travis@grata.land

APPLICANT/AGENT INFORMATION

Name(s) Schlagel & Associates, PA
Contact Daniel G Foster, PLA
Address 14920 W. 107th Street
City Lenexa State KS Zip 66215
Phone 913-492-5158 Email DF@schlagelassociates.com

SITE INFORMATION

Property Address/Location: I-35 Hwy and 175th Street
Legal Description (Attach If Necessary) see the attached legal description
Total Site Area 100.58
Present Zoning C02, A & M-1 Proposed Zoning C-3
Present Land Use AG Proposed Land Use commercial
Proposed Building Type(s) commercial / retail use

Please indicate a reason for the request:

see attached narrative.

SIGNATURE

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for rezoning as indicated above.

Signature(s):  Date 12/27/19

Date _____

ZONING MAP AMENDMENT (REZONING) APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Complete application packet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application fee
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Digital copies (PDF) of the completed application and legal description (Word)
<input type="checkbox"/>	<input type="checkbox"/>	4. Sign posting affidavit
<input type="checkbox"/>	<input type="checkbox"/>	5. Preliminary Development Plan application and plans (if rezoning to a planned development)

Please respond to the following statements:

Anticipated relationship of proposed zoning to economic development or public health, safety and welfare:
 see attached narrative.

Anticipated impact of proposed zoning/use on existing public infrastructure:
 see attached narrative.

I hereby submit all information required for rezoning application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.



 Signature of Applicant

12/27/19

 Date

OWNER AFFIDAVIT

I/WE Grata Development, LLC by Travis Schram, Manager, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 27th day of Dec, 2019, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding property located at 175th St & I-35 (no address) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.



Owner

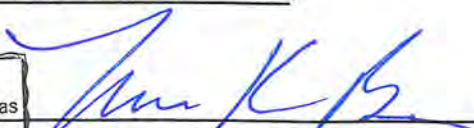
Owner

STATE OF Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 27th day of Dec, 2019, by Grata Development, LLC, by Travis Schram, Manager

My Commission Expires:



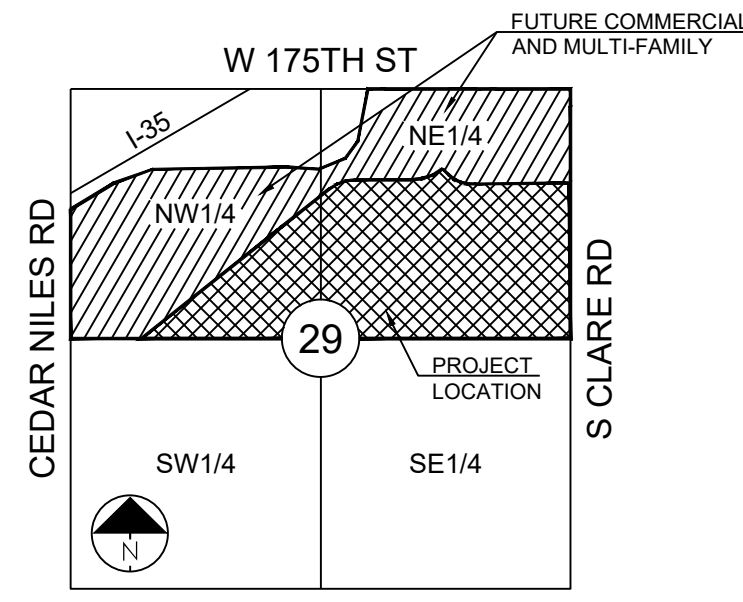


Notary Public

C-3 LEGAL DESCRIPTION

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence North 02 degrees 17 minutes 30 seconds West, a distance of 311.33 feet; thence North 49 degrees 45 minutes 42 seconds East, a distance of 35.89 feet; thence North 56 degrees 31 minutes 26 seconds East, a distance of 543.83 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 310.94 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 02 minutes 01 seconds West, a distance of 124.99 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 2192.63 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1050.07 feet; thence South 87 degrees 58 minutes 12 seconds West, a distance of 1037.37 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 45 degrees 24 minutes 44 seconds , a chord bearing of North 69 degrees 19 minutes 39 seconds West, and an arc length of 237.78 feet; thence North 46 degrees 37 minutes 17 seconds West, a distance of 145.32 feet to a point of curvature; thence along a curve to the right, and having a radius of 500.00 feet, a central angle of 39 degrees 36 minutes 53 seconds , a chord bearing of South 68 degrees 51 minutes 17 seconds West, and an arc length of 345.70 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 569.32 feet to a point of curvature; thence along a curve to the left, and having a radius of 500.00 feet, a central angle of 38 degrees 24 minutes 07 seconds , a chord bearing of South 69 degrees 27 minutes 40 seconds West, and an arc length of 335.12 feet; thence South 50 degrees 05 minutes 51 seconds West, a distance of 1763.76 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1123.46 feet to a point of curvature; thence along a curve to the left, and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds , a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.42 feet, said point being the Point of Beginning, and containing 100.5755 acres, more or less.



LOCATION MAP
SCALE 1" = 2000'

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29, thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING, thence North 02 degrees 17 minutes 30 seconds East, a distance of 1052.39 feet to the POINT OF BEGINNING, thence North 57 minutes 42 seconds East, a distance of 35.89 feet; thence North 56 degrees 31 minutes 26 seconds East, a distance of 543.83 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 68 degrees 50 minutes 34 seconds West, a distance of 440.47 feet; thence North 56 degrees 31 minutes 26 seconds West, a distance of 35.89 feet; thence North 57 minutes 42 seconds West, a distance of 35.89 feet; thence North 02 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 310.94 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.05 feet; thence North 11 degrees 50 minutes 50 seconds East, a distance of 437.78 feet; thence North 11 degrees 50 minutes 50 seconds West, a distance of 437.78 feet; thence North 59 degrees 59 seconds East, a distance of 2192.63 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1050.07 feet; thence South 87 degrees 58 minutes 12 seconds West, a distance of 1050.07 feet; thence South 87 degrees 58 minutes 12 seconds East, a distance of 1050.07 feet; and having a radius of 3000.00 feet, a central angle of 45 degrees 24 minutes 44 seconds, a chord bearing of North 69 degrees 19 minutes 39 seconds West, and an arc length of 237.78 feet; thence North 46 degrees 19 minutes 39 seconds West, a distance of 142.62 feet to a point of curvature; thence along a curve to the right, bearing of North 68 degrees 51 minutes 17 seconds West, and an arc length of 345.70 feet; thence North 88 degrees 39 minutes 43 seconds West, a distance of 569.32 feet to a point of curvature; thence along a curve to the right, bearing of North 68 degrees 51 minutes 17 seconds West, and an arc length of 345.70 feet; thence North 69 degrees 27 minutes 40 seconds West, and an arc length of 335.12 feet; thence South 50 degrees 05 minutes 51 seconds West, a distance of 1763.76 feet; thence North 39 degrees 49 minutes 51 seconds West, a distance of 100.46 feet to a point of curvature; thence along a curve to the right, bearing of North 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 26 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 57 seconds West, a distance of 1050.07 feet; and having a radius of 46.42 feet, said point being the POINT OF BEGINNING, containing 100.5755 acres, more or less.

913-732-4778
INFO@GRATA.LAND

I-35 & 175TH STREET GARDNER, KS

SCHLAGEL & ASSOCIATES, P.A.

Z-1

From: [Travis Schram](#)
To: [Dan Foster](#); [Kelly Woodward](#)
Cc: [Robert Case](#); [Michelle Leininger](#); [Mark Breuer](#)
Subject: RE: 18-226 RE: Legal Description revisions
Date: Tuesday, March 10, 2020 4:02:42 PM
Attachments: [image001.png](#)
[image003.png](#)

Please see below for our responses to the questions posed. Please let me know if there is any additional information needed.

1. **“Anticipated relationship of proposed zoning to economic development or public health, safety and welfare”**

- a. **Multi-Family:** The proposed Multi-family project is designed to bring much needed quality workforce housing to the area. There is a significant need for workforce housing in the area and a project of this scale would be significant in reducing the current shortage. Highway visibility as well as accessibility make this an ideal location for attracting new residents to the area.
- b. **Commercial:** The interstate accessibility and visibility of the commercial element of this project make it ideal to attract sales and the subsequent tax revenue from non-residents as they travel along I-35. Additionally, this project will bring more options to the current citizens of Gardner. As the other residential elements of the development mature, the area will see additional retail options of increasing quality and variety.

2. **“Anticipated impact of zoning/use on existing public infrastructure”**

- a. **Multi-Family:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.
- b. **Commercial:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.

Thank you,

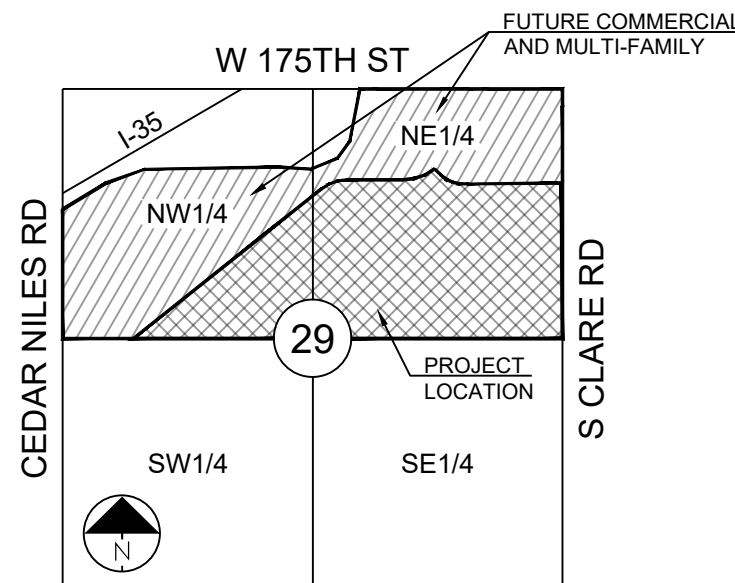
Travis Schram

C-3 LEGAL DESCRIPTION

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet to a point on the East line of the Northwest One-Quarter of said Section 29; thence continuing North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of said Section 29; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along the East line of said Northeast One-Quarter a distance of 1052.00 feet; thence leaving said East line South 88 degrees 09 minutes 34 seconds West, a distance of 1046.29 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 50 degrees 12 minutes 53 seconds, a chord bearing of North 66 degrees 43 minutes 59 seconds West, and an arc length of 262.92 feet; thence North 41 degrees 37 minutes 53 seconds West, a distance of 111.94 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 22 minutes 27 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 17 minutes 16 seconds, a chord bearing of South 68 degrees 31 minutes 05 seconds West, and an arc length of 351.58 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 577.23 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1756.55 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1119.42 feet to a point of curvature; thence

along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.33 feet to the Point of Beginning, and containing 100.3990 acres, more or less.



LOCATION MAP
SCALE 1" = 2000'

913-732-4778
INFO@GRATA.LAND



SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

DRAWN BY:		REVISION DATE	DESCRIPTION
A/C	1	1-23-2020	CITY COMMENTS
CHECKED BY:	2	2-10-2020	CITY COMMENTS
	3	2-12-2020	CITY COMMENTS
	4	2-18-2020	CITY COMMENTS
MAB	5	3-9-2020	CITY COMMENTS
PREPARED:			
	01-10-20		
J. NUMBER			
15-226			

ZONING EXHIBIT

Z-1



BUSINESS & ECONOMIC DEVELOPMENT

February 4, 2019

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, February 25, 2020, beginning at 7:00 p.m.**, in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

Z-20-01(PDP-20-01): Hold a public hearing on and consider a rezoning of approximately 136.3 acres from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts to City of Gardner Districts RP-1 (Planned Single-Family Residential) (approximately 88.2 acres) and RP-2 (Planned Two-Family Residential) (approximately 48.1 acres) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Ttax Ids 2F231429-3001& 2F231429-1001.

Z-20-02: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District R-3 (Garden Apartment) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Id 2F231429-1001.

Z-20-03: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) Districts to City of Gardner District C-3 (Heavy Commercial) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Ids 2F231429-3001& 2F231429-1001.

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0909.

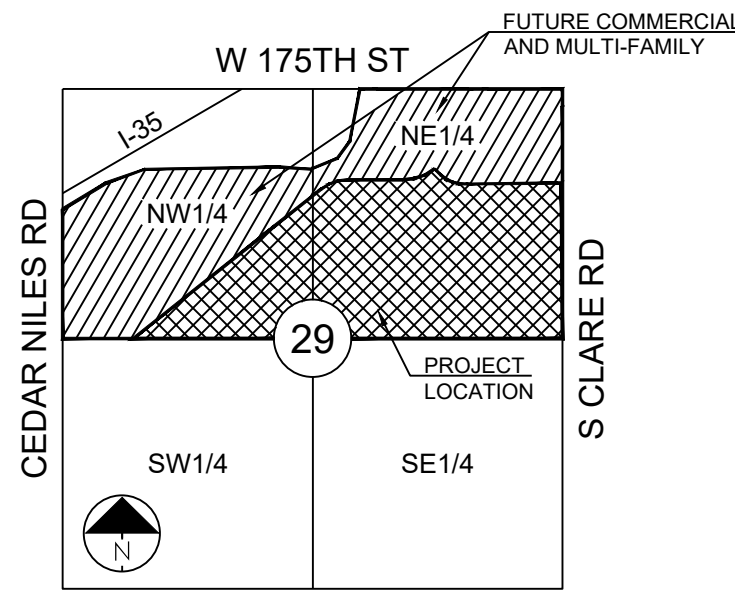
After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more information, contact the Business & Economic Development Department.

PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

Sincerely,

Michelle Leininger, AICP
Principal Planner

Enclosure



LOCATION MAP
SCALE 1" = 2000'

[illegible]

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles
West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06

913-732-4778
INFO@GRATA.LAND

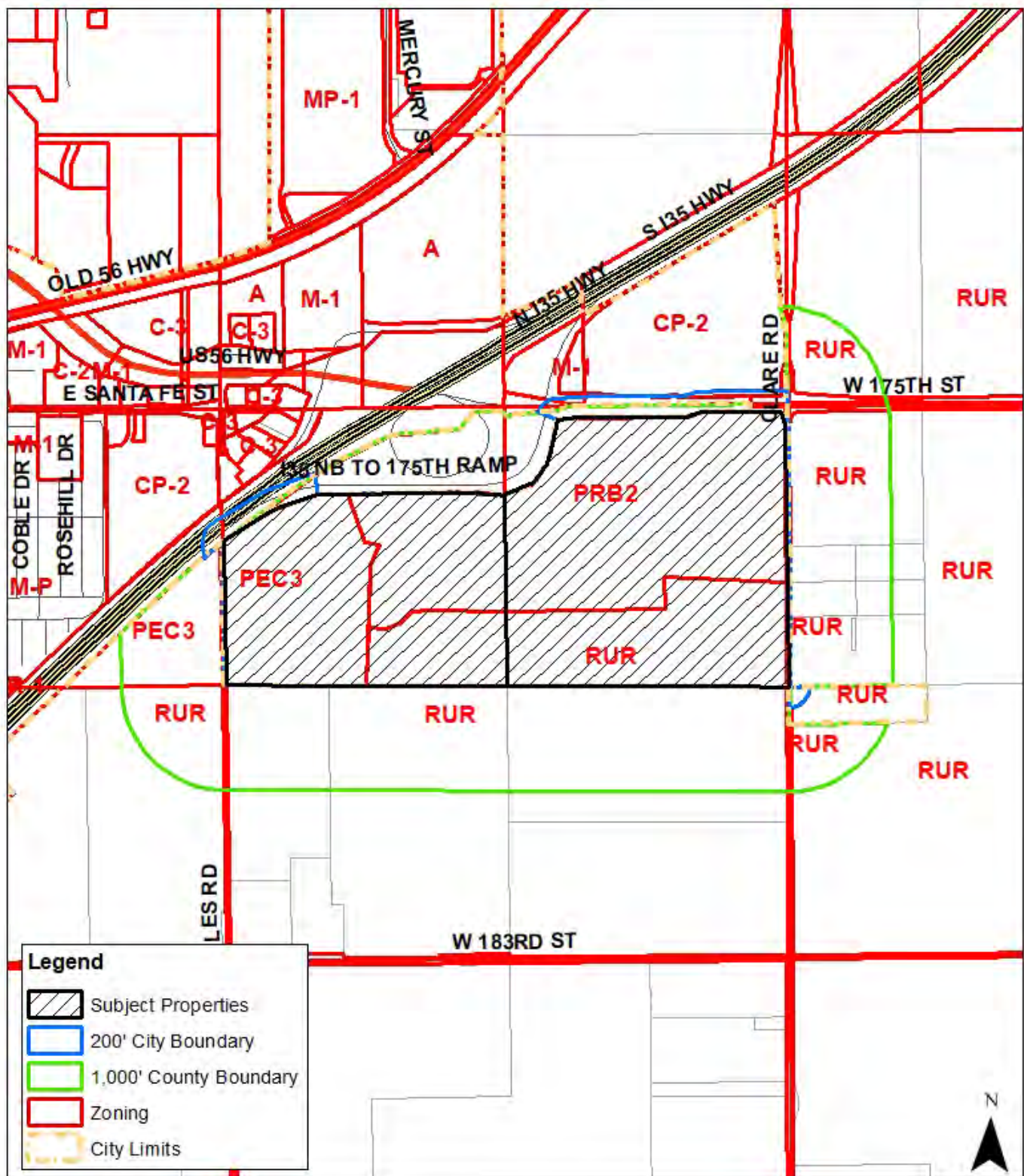
7-1

REVISION	DATE	DESCRIPTION
1	12/22/2020	CITY COMMENTS
2		
3		
4		
5		
6		
7		
8		

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT



Gardner Planning Commission
 Z-20-01(PDP-20-01) : County RUR, PRB2 & PEC3 to City RP-1 & RP-2 &
 PDP for Prairie Trace
 Z-20-02: County PRB2 & PEC3 to City R-3
 Z-20-03: County PRB2 & PEC3 to City C-3
 Meeting Date: February 25, 2020

Map Date: 2/4/20

Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

Re: **City of Gardner Applications: Z-20-01 (PDP-20-01), Rezoning** approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (Planned Single Family Residential, approximately 88.2 acres) and RP-2 (Planned Two-Family Residential, approximately 48.1 acres) and associated **Preliminary Development Plan** for Prairie Trace; and **PP-20-01, Preliminary plat** 356 single-family lots for Prairie Trace; and **Z-20-01, Rezoning** approximately 31.9 acres from County PRB2 and PEC-3 to City of Gardner District R-3; and **Z-20-03, Rezoning** approximately 100.4 acres from County PRB2 and PEC-3 to City of Gardner District C-3; on properties are located southwest of 175th Street and Clare Road.

Thank you for forwarding the application information and proposed plans for the above referenced development. The subject properties are located within 1 mile of the New Century AirCenter. Pursuant to K.S.A. 3-307e, any changes in existing city zoning must have the approval of the Board of County Commissioners of Johnson County, Kansas (BOCC), to be valid and effective.

The following are preliminary comments from the Johnson County Planning staff and Airport staff for the subject applications and may not necessarily reflect the official views or comments of the BOCC:

1. Preliminary development plans or conceptual plans should be reviewed and approved with the proposed rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the New Century AirCenter (NCAC) Comprehensive Compatibility Plan. The proposed rezonings for the C-3 and R-3 districts do not include preliminary development plans as typically required for County review of applications within one mile of the airports. Staff supports the proposed rezonings with the appropriate plans and restrictions in accordance with the New Century AirCenter Compatibility Plan.
2. If preliminary development plans are not included with the rezoning applications, staff would recommend that conditions be included in the respective zoning ordinances as noted below in comments #6-20.
3. The New Century AirCenter Future Land Use Map (attached) identifies the following recommended land uses for the subject property:
 - Airport Industrial Park
 - General Commercial
 - Low Density Residential (Maximum 3 dwelling units/acre)
 - Medium Density Residential (5-12.5 units/acre)
4. The proposed R-3 and C-3 zoning and part of the RP-2 zoning represent a change in use according to the NCAC Future Land Use Map since these areas are identified as Airport Industrial Park. This land use category is intended for areas located near the airport and is recommended for low density offices, warehouses or businesses related to airport operations.

5. The western 125 feet of the R-3 and C-3 zoning boundaries are located within the Primary Flight Corridor Subarea C (see attached AIMS maps). Land areas adjacent to and within the Primary Flight Corridor are generally planned for commercial and industrial uses.
6. All commercial and residential buildings shall be located completely out of the Primary Flight Corridor that overlays the western edge of the R-3 and C-3 zoning boundaries.
7. To offset the proposed change from Airport Industrial Park uses to multi-family residential development, careful site design should be considered to maximize open space areas and locate buildings as far as possible from the Primary Flight Corridor and reduce densities of development closest to the Primary Flight Corridor.
8. Open space areas should be provided adjacent to the Primary Flight Corridor for safety purposes with areas at least 75 feet wide, at least ½ acre in size, extended along the entire length of the flight corridor. The open space areas should be free of abrupt elevation changes and objects such structures, overhead lines, large trees and light poles.
9. Permanent water features or drainage areas shall not be located within the R-3 and C-3 properties closest to the primary flight corridor. Any water features in the RP-1 and RP-2 areas should be limited to only those areas necessary for required open stormwater drainage.
10. The maximum density of multi-family residential development shall be 12.5 units per acre of gross land area for the R-3 zoning area.
11. The maximum density of single family residential development shall be 3 dwelling units per acre of gross land area for RP-1 and RP-2 zoning.
12. Commercial land uses should be compatible with airport operations and any use that compromises the efficient and safe operation of the airport shall be prohibited according to the Land Use Restrictions identified in Chapter 3, Section 4, of the NCAC Comprehensive Compatibility Plan.
13. Single land uses that attract crowds in excess of 500 persons at any one time (such as hospitals, schools, theaters, arenas, and the like,) or concentrates persons who are unable to respond to emergency situations (such as day care establishments, nursing homes and elderly care or special care facilities), will need to be evaluated carefully for airport compatibility due to the large concentration of persons at such facilities.
14. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
15. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
16. Acknowledgment of Noise Impact area, and noise attenuation/sound proofing construction standards should be considered for all development located within the boundaries of the NCAC Airport Interest Area.
17. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.

Planning, Development & Codes

18. Preliminary and final site development plans must be reviewed and approved by the BOCC for all subject properties in accordance with the NCAC Comprehensive Compatibility Plan.
19. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.
20. Any city ordinances approving the rezonings should include a provision indicating that the rezonings shall not be effective unless and until approved by the Board of County Commissioners.

At the conclusion of the city's actions on these applications, all relevant information and documents which were considered by the city regarding the applications, should be forwarded to the BOCC, in care of Sean Pendley, Johnson County Planning Department, 111 S. Cherry, Suite 2000, Olathe, Kansas, 66061. Thereafter, the Airport Commission will consider the applications and provide a recommendation to the BOCC. Finally, the BOCC will review the proposed requests and all information submitted for the record and render its decision on the applications.

Please note, if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, then county staff anticipates recommending that the Board grant conditional zoning approval, made subject to subsequent compliance with the above-referenced conditions.

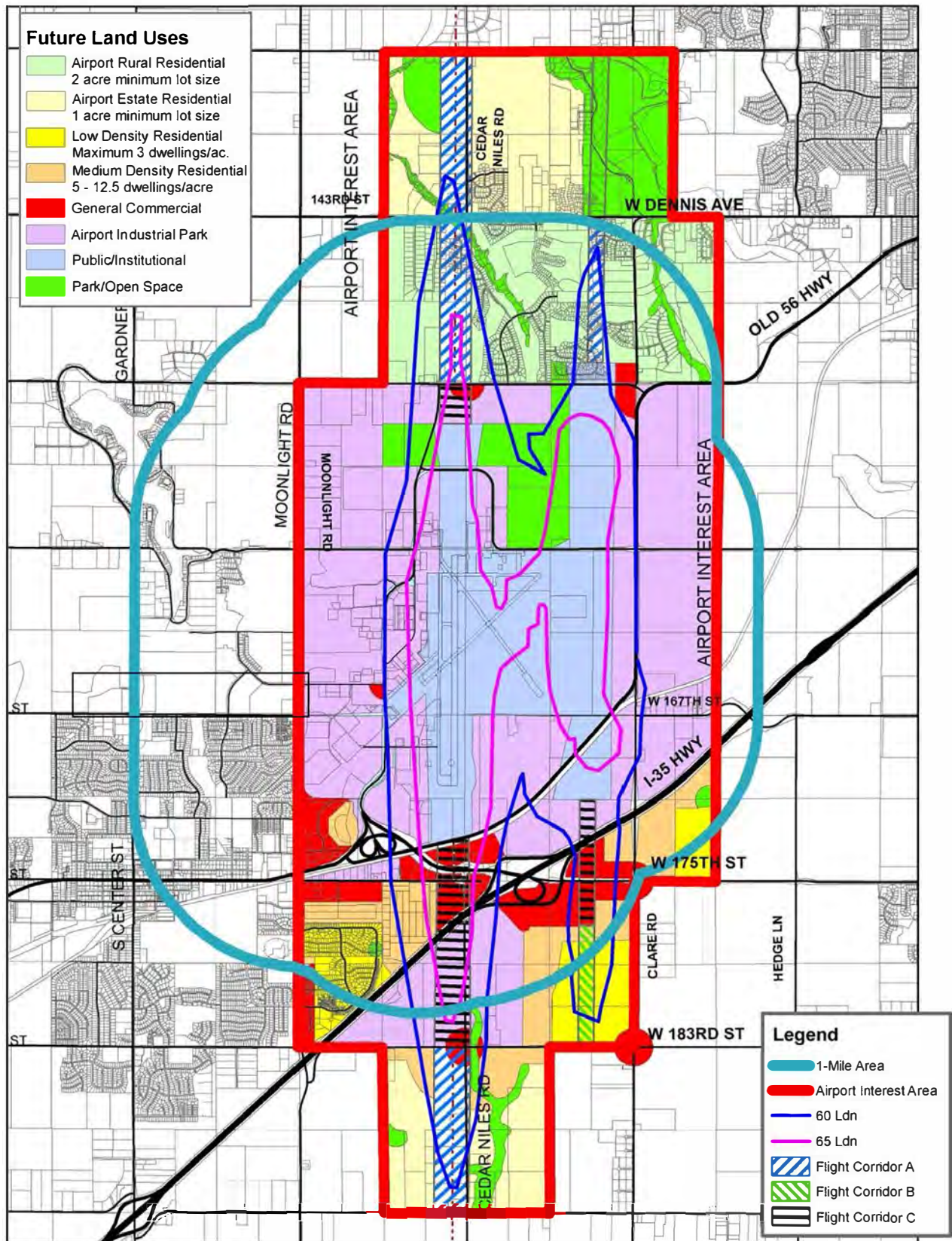
If you have any questions concerning these comments, please contact me at (913) 715-2205. Thank you for your cooperation in this matter.

Respectfully,



Sean Pendley, AICP
Deputy Director of Planning

Cc: Aaron Otto, Johnson County Airport Commission
Larry Peet, Johnson County Airport Commission
Jay Leipzig, Johnson County Planning
Richard Lind, Johnson County Legal

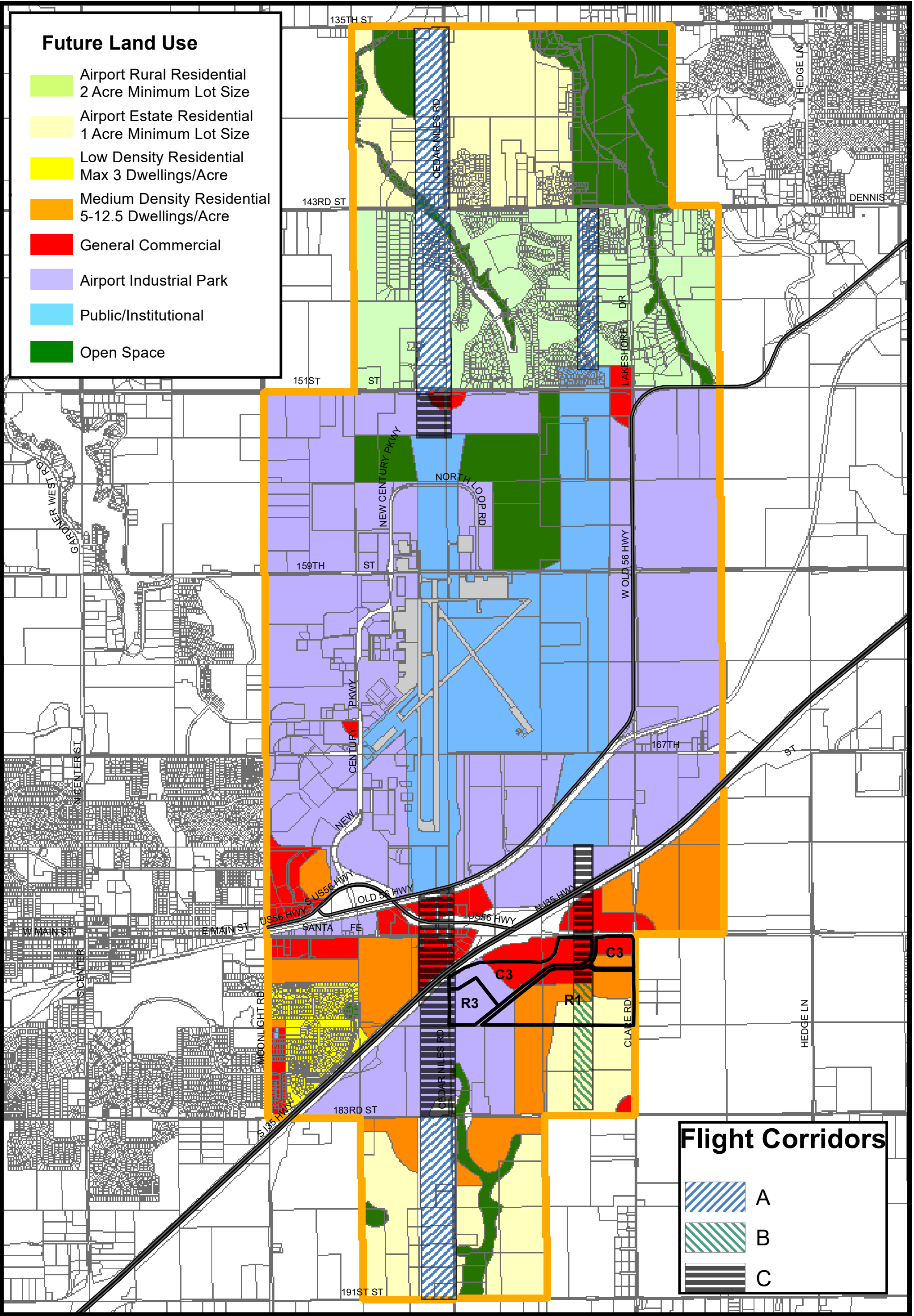


REPLICA OF NCAC FUTURE LAND USE MAP

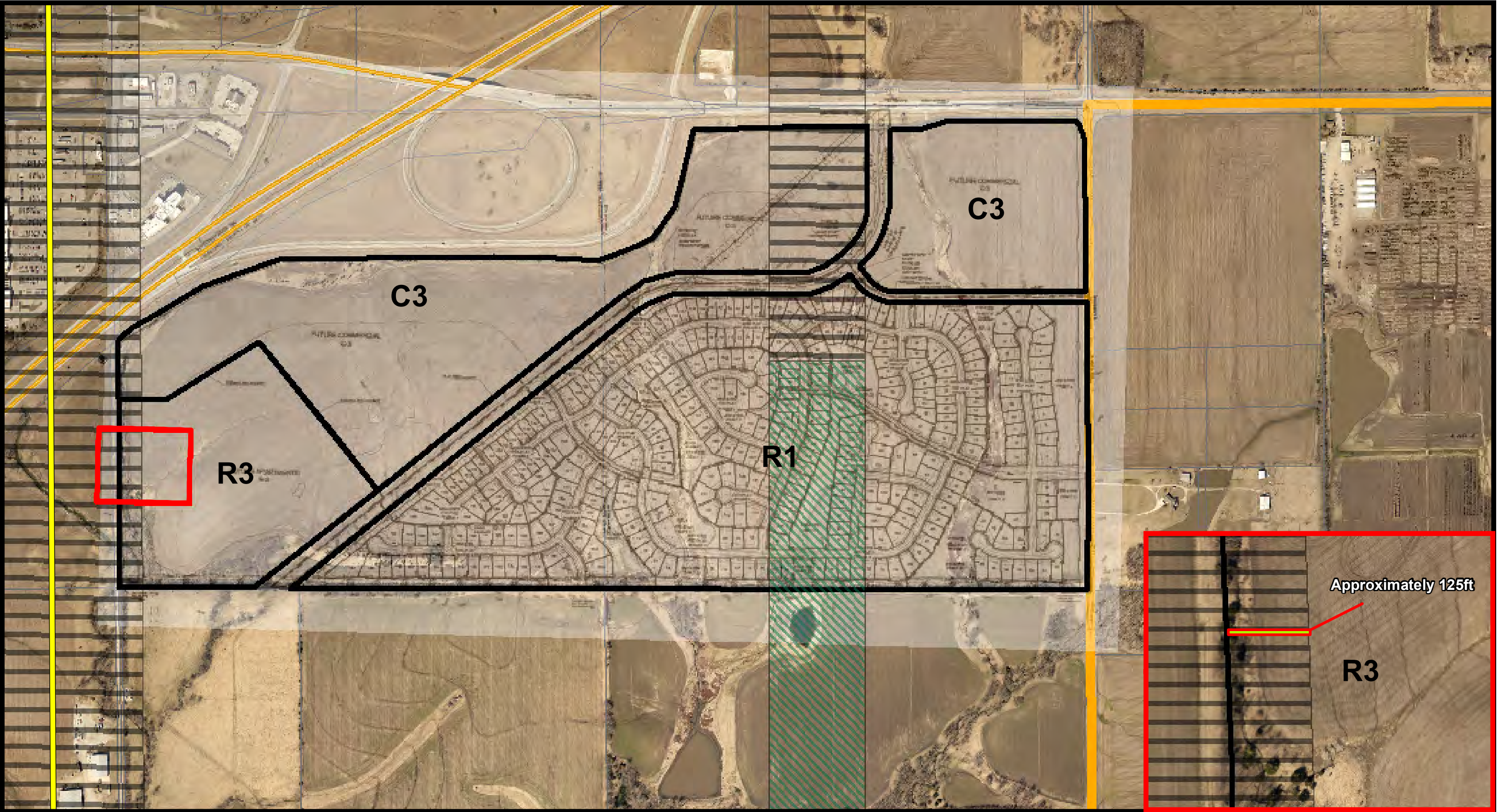
0 0.5 1 2 Miles



New Century Airport



Prarie Trace (Proposed)



NCAC Centerline

0 0.175 0.35 0.7 Miles

COUNCIL ACTION FORM

COMMITTEE RECOMMENDATION No. 3

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: LARRY POWELL, BUSINESS & ECO DEV DIRECTOR

Agenda Item: Consider adopting an ordinance approving a rezoning of 31.9 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner R-3 (Garden Apartment) District for Prairie Trace. (Z-20-02)

Strategic Priority: Economic Development, Asset and Infrastructure Management

Department: Business & Economic Development

Planning Commission Recommendation:

After review of Application Z-20-02, a Zoning Map Amendment for a portion of parcel 2F231429-1001 located southwest of the intersection of 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.

Staff Recommendation:

Staff recommends approval of the rezoning application per information presented in the March 24, 2020 staff report, with conditions of approval to address County concerns regarding the nearby New Century AirCenter operations.

Background/Description of Item:

These properties were annexed into the City on September 3, 2019 per Ordinance 2622, retaining the County zoning designations. The subject property is located southeast of the I-35 and 175th Street interchange, is in unimproved agricultural use, and is surrounded by other such uses. The subject properties are part of a larger development project that includes proposed single-family residential, multi-family residential and commercial zoning districts. The multi-family portion is what is included in this application.

The subject property is located within one mile of the New Century AirCenter, and is therefore subject to review by the Airport Commission and Johnson County Board of County Commissioners in accordance with applicable State Statute and Section 17.06.030 Industrial

Airport Overlay District of the LDC. The County provided initial review comments that are included in the Planning Commission packet. They have recommended a limit on the maximum density of multi-family residential of 12.5 units per acre of gross land area for the R-3 zoning. This is a lesser density than could potentially be accommodated per the *Gardner Land Development Code*. This issue may be addressed with the developer during the County review.

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two area plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* that was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized for the future land use in that area in the plan. The property is shown for Regional Commercial, Commercial and Light Industrial, Heavy Commercial and Industrial, and Parks/Recreation/Open Space future land uses. The subject parcel is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.

Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest, multi-family on the west subject parcel, and single-family on the east and south. The idea is for the residential development to support the commercial uses, and to satisfy a market demand for housing in the area close to jobs.

Although this request is not consistent with the future land use map of the Comprehensive Plan, it does provide opportunity to support some housing goals of the Comprehensive Plan.

Staff findings on the rezoning are that this parcel, being located adjacent to a major highway interchange, is a key development area for the Gardner community. The proposed zoning supports housing diversity goals of the Comprehensive Plan and the development of housing near jobs, contributing to increased economic well-being and quality-of-life of residents. The anticipated street network meets the general configuration as conceptualized in the applicable subarea plan. The proposed development of which this is a part allows for a transitional pattern with higher-intensity uses adjacent to the major roadways, and lesser-intensity uses adjacent to agriculture and low-density residential areas. Development can only be accommodated by rezoning to a City zoning district. As currently zoned, the property has remained undeveloped for many years.

The rezoning supports Strategic Plan goals to promote economic opportunity and the diversification of the tax base, and provide quality of life through diverse housing opportunity. It increases private investment in the community.

At the March 24, 2020 Planning Commission meeting, the Commission held a public hearing regarding the rezoning application. There were four interested people in attendance though none spoke. The Planning Commission recommended approval of the rezoning by a unanimous vote of 7-0.

ACTIONS

Per Section 17.03.030 (D) of the *Gardner Land Development Code*, the Governing Body may:

1. Adopt such recommendation by ordinance, (simple majority vote)
2. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body, or
3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

Financial Impact:

None at this time. Extension of utilities to the site at a later date.

Other Impacts:

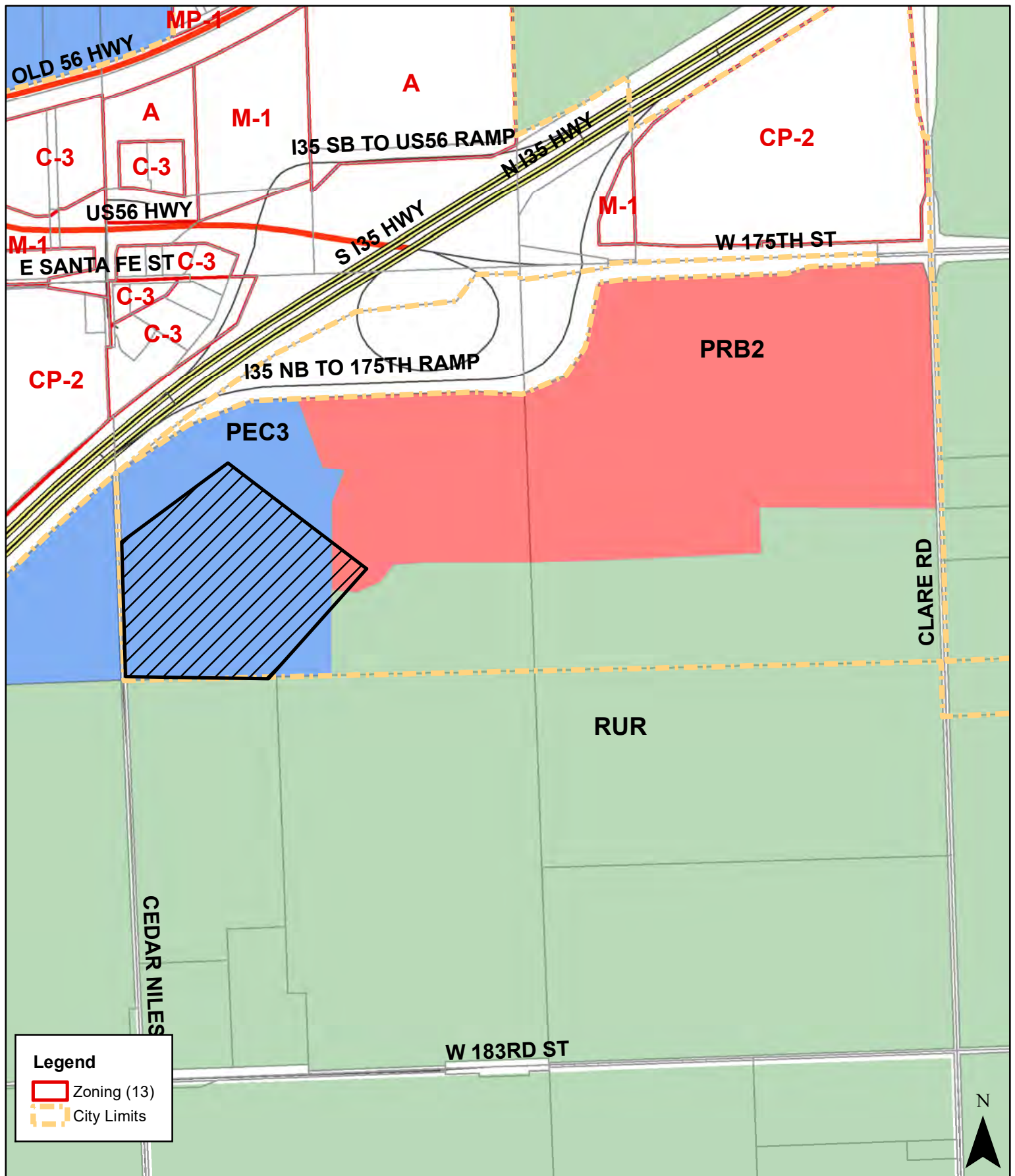
None

Attachments included:

- Vicinity Map
- Ordinance
- March 24, 2020 draft Planning Commission minute excerpt
- Planning Commission packet

Suggested Motion:

Accept the recommendation of the Planning Commission and approve Ordinance No. 2658, an ordinance changing the zoning classification or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.



ORDINANCE NO. 2658

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on March 24, 2020, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas Land Development Code, the recommendation of the Planning Commission is hereby approved and the zoning classification or districts of the lands legally described hereby are changed in conformity therewith as follows:

The following described property located southwest of the intersection of 175th Street and S. Clare Road shall hereafter have a zoning classification from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner R-3 (Garden Apartment) District.

CASE NO. Z-20-02

Rezoning from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner R-3 (Garden Apartment) District:

Legal Description:

Part of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 246.33 feet; thence North 56 degrees 31 minutes 20 seconds East, a distance of 564.78 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of North 58 degrees 45 minutes 06 seconds East, and an arc length of 52.92 feet; thence South 39 degrees 59 minutes 41 seconds East, a distance of 1119.42 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 814.47 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 815.43 feet to the Point of Beginning, and containing 31.8802 acres, more or less.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Land Development Code as amended.

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the Governing Body and publication in the official City Newspaper.

PASSED by the Governing Body this 20th day of April, 2020.

SIGNED by the Mayor this 20th day of April, 2020.

(SEAL)

CITY OF GARDNER, KANSAS

Steve Shute, Mayor

Attest:

Sharron Rose, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney

(Case No. Z-20-02)

EXCERPT OF PLANNING COMMISSION MEETING MINUTES
CITY OF GARDNER, KANSAS
Tuesday, March 24, 2020

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Tuesday, March 24, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner McNeer
Commissioner Meder
Commissioner Simmons-Lee

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Ryan Denk, City Attorney (via phone)

There were three members of the public in attendance.

CONSENT AGENDA

1. **Approval of the minutes as written for the meeting on February 25, 2020.**

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

REGULAR AGENDA

2. **PRAIRIE TRACE**

Located southeast corner of W 175th Street and Interstate 35

- a. **Z-20-03**: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 and PEC3 Districts to City of Gardner District C-3.
- b. **Z-20-02**: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 and PEC3 Districts to City of Gardner District R-3.
- c. **Z-20-01(PDP-20-01)**: Hold a public hearing and consider a rezoning of approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace.
- d. **PP-20-01**: Consider a preliminary plat 356 single-family lots for Prairie Trace.

Ms. Leininger continued with a presentation on **Z-20-02**, an application for the multi-family portion of the proposed commercial/residential development for Prairie Trace. This is for a standard base zoning district so the next step would be either a site plan or to rezone to a planned district. This request is to rezone from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner R-3 (Garden Apartment) District. The parcel is bounded by 175th Street on the north and Clare Road on the east. The character of the neighborhood is currently rural and is a key development area for the Gardner community. The future flight corridor that goes through the middle of this development has been abandoned but Flight Corridor C that encompasses 125' on the west side will impact future development. Johnson County Planning staff and Airport staff have done a preliminary review of this application and submitted comments. Their issue with development too close to the flight path is to protect it from congregations of people and birds.

The future land use map of the New Century AirCenter (NCAC) Comprehensive Compatibility Plan serves as a recommendation for compatible uses and land use restrictions within the Airport Interest Area. Future land uses for the subject property include Airport Industrial Park for the majority of the parcel and General Commercial on the northeast portion. The County is concerned with locating buildings away from the flight corridor, maximizing open space and having no permanent water features or drainage near the flight corridor which can encourage concentrations of birds that could interfere with aircraft. They also are concerned with the gross density and configuration of residential development. County staff recommends that the maximum density of multi-family residential be 12.5 units per acre of gross land area for the R-3 zoning but the Gardner LDC and the anticipated building type of Garden Apartment minimum lot size is 1,500 sf per dwelling unit. This means 29 dwelling units could be developed on one gross acre provided the units are stacked to meet the 40% building coverage maximum footprint. This is a significant difference in development rights conferred by City and County recommendations/regulations. The reduced density may/may not meet the needs or expectations of the developer, but that will be addressed with the County review following City action.

The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was a guide for the future land use plan as shown on the slide. Since the adoption of the plan, the property

owner's concept has changed to include commercial on the north and northwest, multi-family on the west and single-family on the east and south. The idea is for the residential development to support the development of the commercial uses, and to satisfy a market demand for housing in the area close to jobs. Although this request is not consistent with the future land use map of the Comprehensive Plan, it does provide opportunity to support some housing goals of the Comprehensive Plan such as promoting housing diversity to support the housing needs of various residents.

Staff finds the proposed street network generally matches the subarea plan, and the development is consistent with the goals of the Comprehensive Plan and the intent of the R-3 District. It is also consistent with the City of Gardner Strategic Plan. Staff recommends approval of this rezoning with conditions to address County concerns regarding New Century AirCenter operations.

Mr. Travis Schram, Grata Development and applicant, stated his comments were similar to the previous rezoning application. His work with the Airport Authority has made him confident they were going to get a plan together by limiting the buildings to 12.5 units per acre and provide the requested buffering from the west property line to stay out of the flight corridor.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by Hansen and seconded by McNeer.

Motion passed 7-0.

COMMISSION DISCUSSION

The Planning Commission had no questions nor comments.

Motion made after review of Application Z-20-02, a Zoning Map Amendment for a portion of parcel 2F231429-1001 located southwest of the intersection of 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

- 1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.**
- 2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.**
- 3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.**
- 4. Final plats must be reviewed and approved by the BOCC prior to**

filing the final plats.

Motion made by McNeer and seconded by Meder.

Motion passed 7-0.

PLANNING COMMISSION STAFF REPORT
MEETING DATE: MARCH 24, 2020

NEW BUSINESS ITEM NO. 2B

PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER

PROJECT NUMBER / TITLE: Z-20-02 Rezoning Prairie Trace Multi-Family

PROCESS INFORMATION

Type of Request: Zoning Map Amendment (Rezoning)

Date Received: January 10, 2020

APPLICATION INFORMATION

Applicant: Schlagel & Associates, PA

Owner: Grata Development

Parcel ID: Portions of Tax Id 2F231429-1001

Location: Southwest of the intersection of 175th Street and S. Clare Road

REQUESTED ACTION

Hold a public hearing on and consider a rezoning of 31.9 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District R-3 (Garden Apartment) District.

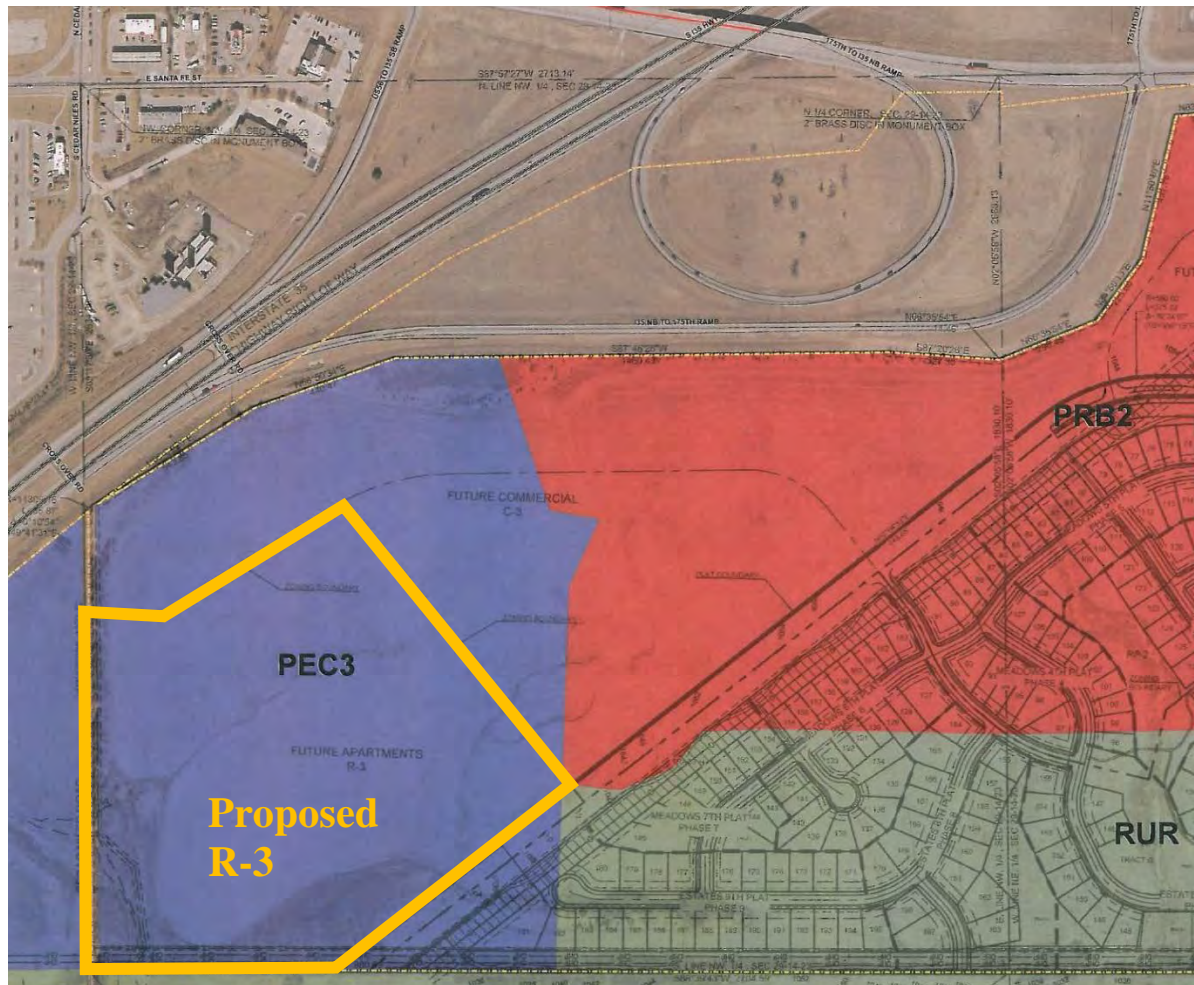
EXISTING ZONING AND LAND USE

Although the property was annexed on September 3, 2019 per Ordinance 2622, it retains the County zoning designations of County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District. The site is currently an unimproved agricultural use. It is located just southeast of the I-35 and W. 175th Street interchange, with other unimproved agricultural uses currently surrounding the area.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
KDOT right-of-way	Interstate 35
C-3 (Heavy Commercial) District	Hotels, restaurant and vacant
East of subject property	
County PRB2 (Planned Residential Neighborhood Retail Business), PEC3 (Planned Light Industrial Park) and RUR (Rural) Districts	Unimproved agriculture use
South of subject property	
County RUR (Rural) District	Unimproved agriculture use
West of subject property	
County PEC3 (Planned Light Industrial Park) District	Unimproved agriculture use
KDOT right-of-way	Interstate 35

This graphic shows the approximate location of the County zoning designations in comparison to requested zoning amendment. The roads and lots shown in the image are draft plans associated with the single-family portion of the Prairie Trace development (reference only).

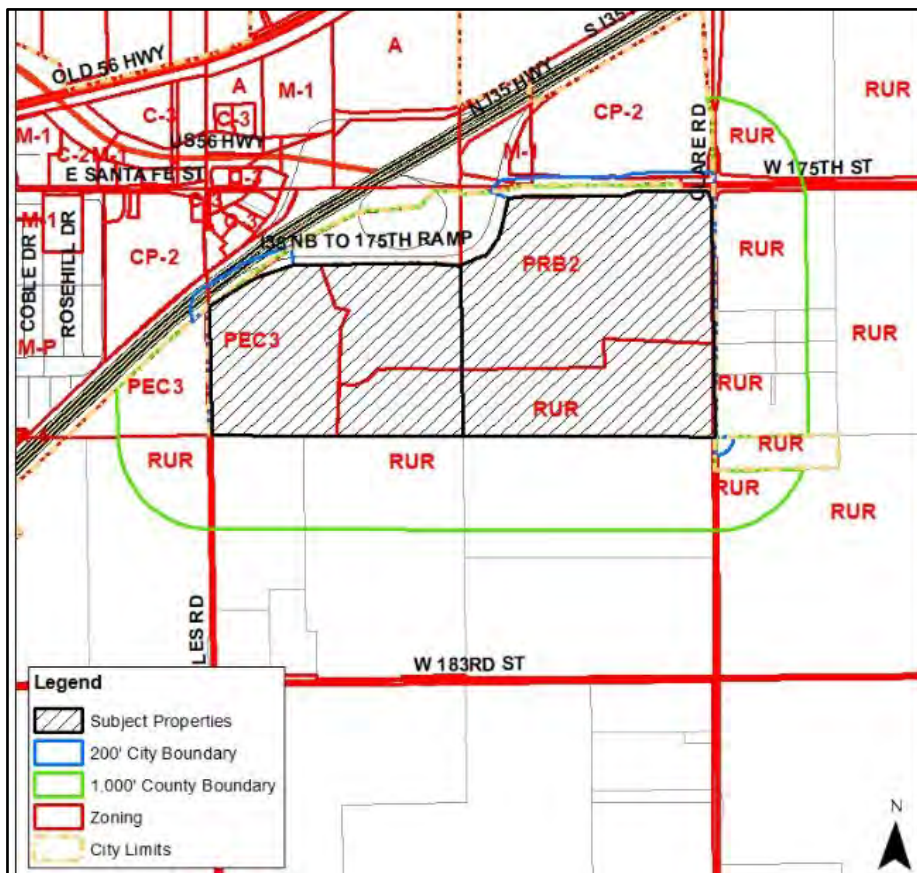


EXISTING CONDITIONS

The property is currently not platted and is unimproved. See first satellite image next page. The floodplain layer is overlaid in blue shading.

BACKGROUND / HISTORY

The property was annexed on September 3, 2019 per Ordinance 2622 without any official City action to rezone the property. This application is to rezone the property to a City zoning district. See second image next page for the notification boundaries of 200' in the city (blue line) and 1,000' in the County (green line) for this public hearing.



The subject property is located within one mile of the New Century AirCenter, and is therefore subject to review by the Airport Commission and Johnson County Board of County Commissioners in accordance with applicable State Statute and Section 17.06.030 Industrial Airport Overlay District of the LDC. The intent is to ensure that the height of buildings, structures, or trees, the location of certain land uses, and other development issues near the Johnson County industrial airport do not present a hazard to people or property, or interfere with the safe operation of the Airport. Per K.S.A. 3-307e, the airport commission shall make zoning recommendations for the airport and surrounding areas within one mile except where such areas have already been zoned by city action. Any changes in existing City zoning must have the approval of the Board of County Commissioners.

Please see Attachment V for full comment by County Planning staff, including helpful maps (note the eastern-most flight corridor has been abandoned so the applicable flight corridor is “C” in the vicinity of Cedar Niles Road). The subject property is within the Airport Interest Area, and the western 125 feet of the subject property is impacted by a flight corridor. The two primary concerns for compatibility of uses within the Airport Interest Area are noise impacts of airport operations and protecting the public with operationally safe approaches. The flight corridors are intended to be reserved for open space areas or compatible nonresidential land uses (commercial and industrial uses without concentrations of people, such as parking lots, storage areas, etc).

The future land use map of the New Century AirCenter (NCAC) Comprehensive Compatibility Plan (which was adopted in 1996) serves as a recommendation for compatible uses and land use restrictions within the Airport Interest Area. The plan has not been revised in many years. Future land uses for the subject property include Airport Industrial Park for the majority of the parcel and General Commercial on the northeast portion. These are described as low intensity office or warehouse uses (no meeting places or auditoriums).

Johnson County Planning staff and Airport staff have done a preliminary review of this application and submitted comments which may or may not reflect official views or comments of the Board of County Commissioners. The County typically wants to review preliminary development plans or conceptual plans with rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the NCAC Comprehensive Compatibility Plan. However, because this is not a rezoning to a planned district, these types of plans are not required to be submitted with the rezoning application according to City regulations, and thus have not been formally submitted. Any plans for these areas are only conceptual at this point. Until such plans and applications are submitted to the County, the applicant cannot be assured of zoning approval. However, County staff has suggested that they could support the rezoning application with some conditions of approval. Again, this does not necessarily reflect final action by the County Commission.

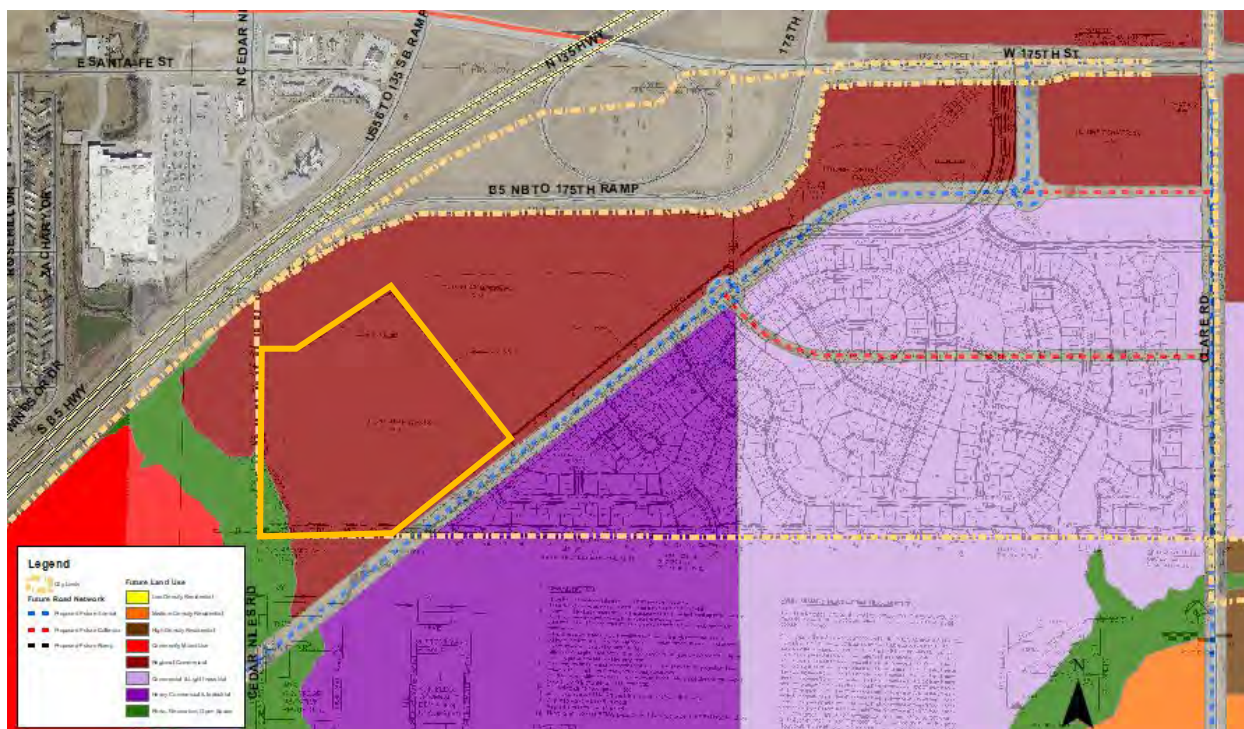
With regard to the subject property, the County is concerned with the following:

- A preference to have low-density commercial and industrial uses adjacent to and within the primary flight corridor.
- Having no buildings within the primary flight corridor (western 125’ of the property), and locating other buildings as far from the primary flight corridor as possible.
- Maximizing open space adjacent to the primary flight corridor.
- Having no permanent water features or drainage areas in proximity to the primary flight corridor.
- Density of residential development.

- No uses that attract large crowds or concentrates people who have limited ability to respond to emergency situations.
- Impacts of lighting on airport operations.
- Noise-proofing of development located in the Airport Interest Area.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as “Southeast Quadrant Market Determined Growth Area” with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.



Regional Commercial is described as follows:

- *The intent of the Regional Commercial land use designation is to allow for retail and service uses located near I-35 interchanges. A regional commercial area provides goods and services aimed toward those traveling by an auto and capitalizes on*

accessibility from areas beyond Gardner. This designation may also include light industrial and utility uses.

- *Intensity: Medium-High*
- *Zoning Districts: C-2 General Business District, CP-2 – Planned General Business District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District; M-1 Restricted Industrial District, MP-1 Planned Restricted Industrial District.*
- *Building Types: Small Commercial – Storefront, Small Commercial/Pad Site, Mixed-Use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial*
- *Primary Uses: Assembly, cultural and public service, school, open/civic space, residential care, retail, grocery, outdoor sales, convenience store/fuel station, animal care, food and beverage, health care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing – limited/artisan, light, and general, commercial storage, animal care, freight and distribution – light, vehicle equipment service repair – limited, general, and heavy, public utility facility – minor*

Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest, multi-family on the west subject parcel, and single-family on the east and south. The idea is for the residential development to support the development of the commercial uses, and to satisfy a market demand for housing in the area close to jobs. Specifically, the developer states that, with respect to the anticipated relationship of proposed zoning to economic development or public health, safety and welfare – "The proposed multi-family project is designed to bring much needed quality workforce housing to the area. There is a significant need for workforce housing in the area and a project of this scale would be significant in reducing the current shortage. Highway visibility as well as accessibility make this an ideal location for attracting new residents to the area."

Although this request is not consistent with the future land use map of the Comprehensive Plan, it does provide opportunity to support some housing goals of the Comprehensive Plan such as promoting housing diversity to support the housing needs of various residents.

STAFF ANALYSIS - ZONING

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request. This request is for a rezoning to a base zoning district, and thus is not accompanied by a development plan or a plat at this time. The review must consider all potential uses that could occur within the proposed zoning district, although the applicant plans to develop the site with an apartment development.

County staff has indicated that if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, staff will recommend that the Board grant conditional zoning approval subject to subsequent compliance with a number of conditions (as indicated in the County's letter). One of their recommended conditions is that the maximum density of multi-family residential shall be **12.5** units per acre of gross land area for the R-3

zoning. Per the Gardner Land Development Code, and the anticipated building type of Garden Apartment, minimum lot size is 1,500 sf per dwelling unit. This means **29** dwelling units could be developed on one gross acre (provided the units are stacked appropriately to meet the 40% building coverage maximum footprint, and to provide for parking and access). This is a significant difference in development rights conferred by City and County recommendations/regulations. The reduced density may/may not meet the needs or expectations of the developer.

The land use restrictions referenced in the County comments generally refer to external land use impacts such as electrical/electronic interference, negative impacts from lighting, impacts to visibility or movement of aircraft, promoting concentrations of birds, discharging smoke, and single land uses which attract crowds in excess of 500 persons at any one time or concentrate persons with limited mobility (such as children, elderly, or handicapped).

The recommended County conditions of approval that may be appropriate for the City to include as conditions of approval in solidarity with these other jurisdictional entities, as apply to this rezoning application, may include:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.

ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

- 1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;**

Staff Comment: *The character of the neighborhood is rural at present but this is a key development area for the Gardner community. The proposed streets that will serve this parcel meet the general configuration as conceptualized in the applicable subarea plan. Civic and open space plans will be reviewed with a site or development plan. The proposed use contributes to housing diversity goals of the community. This general location near a major highway interchange is well-situated to serve the needs of people who want to live and work in the region. It is anticipated that the County will address concerns regarding the operation and uses of land and buildings after the City process is complete regarding this rezoning application.*

- 2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;**

Staff Comment: *This area of the community has been in agricultural use for many years. Because of its proximity to a major highway interchange, however, this area is slated for growth opportunity. Regional commercial and medium-density residential land uses have evolved near the airport on the other side of this highway interchange with no known incompatibilities with airport operations. This application represents only a portion of the future development for this area, which is to include commercial, multi-family, and single-family land uses. This*

development is arranged in a transitional pattern with higher-intensity uses adjacent to the major roadways and less intense uses adjacent to remaining agriculture and very low-density residential uses. The R-3 (Garden Apartment) District would accommodate single-family, duplex, row house, garden apartment, and small civic building types. Garden apartments are the least dense of the apartment building types based on a 40% maximum building coverage limit and 40% minimum open space requirement with a 3-story height limit. With accommodation of concerns related to the flight corridor, it is anticipated that this zoning district can be compatible with nearby properties.

3. The suitability of the subject property for the uses to which it has been restricted;

Staff Comment: While under County zoning jurisdiction, the subject property was zoned for PRB2 (Planned Residential Neighborhood Retail Business) District which includes opportunity for limited neighborhood retail sales/service and personal service business uses; and PEC3 (Planned Light Industrial Park) District which provides opportunity for research and development, light fabrication/assembly, limited industrial/manufacturing, and warehousing uses. These are suitable land uses based on County plans. In the County, lands could be zoned to a planned district without any plan actually existing, unlike the City. So there are no applicable development plans for the subject parcel. This property has now transitioned into the City's zoning jurisdiction, and is thus subject to City plans. This application proposes to accommodate the transition from County to City zoning district.

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

Staff Comment: As the overall development is arranged to locate more intense uses close to major roadways and away from existing rural uses, it is anticipated that the removal of the restrictions will not detrimentally affect nearby property as long as issues pertaining to development near the primary flight corridor can be resolved.

5. The length of time the subject property has remained vacant as zoned;

Staff Comment: The subject property has always been in agricultural use.

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

Staff Comment: As zoned within the County, the subject property has remained undeveloped for many years. This application provides an opportunity for the development of housing to meet the needs of workers as employment opportunities continue to grow in the area. When housing is located near jobs, it increases the economic welfare of workers by reducing transportation costs and supporting better quality of life. These opportunities promote better engagement of citizens in the community where they live and work. These factors would indicate that there would be a net gain in favor of economic development and public health, safety and welfare with consideration of this application.

7. The recommendations of professional staff;

Staff Comment: Staff recommends approval of this rezoning application subject to some basic conditions to acknowledge some of the major concerns of the County pertaining to operations of the nearby airport.

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: *The intent of the R-3 (Garden Apartment) District is to provide residential living in a high-density pattern as a transition between neighborhoods and more intense uses, where a high level of accessibility, public amenity and support services are immediately available. The City has committed to providing infrastructure to this new growth area of the community. The subject parcel will be linked to major highway corridors with a new arterial roadway, providing convenient access to regional jobs and amenities. The location of the R-3 District would provide a transition between lower-density residential uses to the east and the I-35 corridor. This application supports housing diversity goals of the Comprehensive Plan.*

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

Staff Comment: *Per a development agreement, the City is committed to providing the necessary infrastructure to serve the subject property and adjacent properties. These actions will positively impact the capacity and safety of utilities and other infrastructure to serve not only this development, but other developments in this area in the future.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: *The City of Gardner Strategic Plan indicates an opportunity for the city to annex adjacent land areas that could be developed into commercial and industrial properties that would diversify the tax base. The overall development project of which this application is a part provides for commercial land uses supported by adjacent multi-family and single-family residential land uses of various densities. Adjacent jurisdictions are capturing industrial development opportunity, providing an opportunity for Gardner to support the development of housing and commercial opportunities to compliment those job sources. This application supports economic opportunity and the diversification of the tax base, and provides quality of life through diverse housing opportunity. It increases private investment in the community.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

Utilities – A City of Gardner gas line runs along the west property boundary. Every overhead electric transmission lines run along the entire south property boundary and a portion of the north boundary. Electric overhead primary lines are on the adjacent parcel to the west. There is also a Southern Star Central Gas Pipeline adjacent to the proposed parcel on the east.

Environmental conditions – The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained. Rated as very limited soils for dwellings with basements and septic tanks.

Staff Comment: *Pertaining to the anticipated impact of zoning/use on existing public infrastructure, the developer states that “sanitary sewer, water, and electric service are being brought to the property by the city as contemplated in the Development Agreement. The City*

has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.” The developer will provide necessary road improvements to serve the development.

ATTACHMENTS

- I. Application
- II. Legal Description
- III. Zoning Exhibit
- IV. Zoning and Notice Map
- V. Johnson County staff comments

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

RECOMMENDATION

Staff recommends approval of the rezoning application per information presented in the March 24, 2020 staff report, with conditions of approval to address County concerns regarding the nearby New Century AirCenter operations.

Recommended Motion:

After review of Application Z-20-02, a Zoning Map Amendment for a portion of parcel 2F231429-1001 located southwest of the intersection of 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.

2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.



Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
P: 913.856.0913 | F: 913.856.4562
www.gardnerkansas.gov

ZONING MAP AMENDMENT (REZONING) APPLICATION

Pre-App Date _____
Fee \$750.00 ✓
File No. Z-20-02

OWNER INFORMATION

Name(s) Grata Development
Contact Travis Schram
Address 6300 W. 143rd Street, Suite 200
City Overland Park State KS Zip 66223
Phone 913-732-4778 Email travis@grata.land

APPLICANT/AGENT INFORMATION

Name(s) Schlagel & Associates, PA
Contact Daniel G Foster, PLA
Address 14920 W. 107th Street
City Lenexa State KS Zip 66215
Phone 913-492-5158 Email DF@schlagelassociates.com

SITE INFORMATION

Property Address/Location: I-35 Hwy and 175th Street
Legal Description (Attach If Necessary) see the attached legal description
Total Site Area 31.96
Present Zoning M-1 Proposed Zoning R-3
Present Land Use vacant Proposed Land Use multi-family
Proposed Building Type(s) multi-family

Please indicate a reason for the request:

see attached narrative.

SIGNATURE

I/We, the undersigned am/are the (owner(s)) (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for rezoning as indicated above.

Signature(s): [Signature] Date 12/27/19
Date _____

ZONING MAP AMENDMENT (REZONING) APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Complete application packet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application fee
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Digital copies (PDF) of the completed application and legal description (Word)
<input type="checkbox"/>	<input type="checkbox"/>	4. Sign posting affidavit
<input type="checkbox"/>	<input type="checkbox"/>	5. Preliminary Development Plan application and plans (if rezoning to a planned development)

Please respond to the following statements:

Anticipated relationship of proposed zoning to economic development or public health, safety and welfare:
 see attached narrative.

Anticipated impact of proposed zoning/use on existing public infrastructure:
 see attached narrative.

I hereby submit all information required for rezoning application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.



 Signature of Applicant

12/27/19

 Date

OWNER AFFIDAVIT

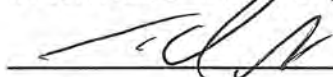
I/WE Grata Development, LLC by Travis Schram, Manager, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 27th day of Dec, 2019, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding property located at 175th St & I-35 (no address) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.



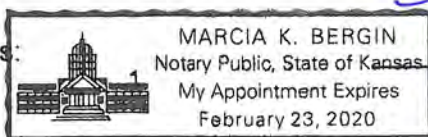
Owner

Owner

STATE OF Johnson Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 27th day of Dec, 2019, by Grata Development, LLC, by Travis Schram, Manager.

My Commission Expires:





Notary Public

R-3 LEGAL DESCRIPTION

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 246.42 feet; thence North 56 degrees 31 minutes 20 seconds East, a distance of 564.78 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of North 58 degrees 45 minutes 06 seconds East, and an arc length of 52.92 feet; thence South 39 degrees 59 minutes 41 seconds East, a distance of 1123.46 feet; thence South 50 degrees 05 minutes 51 seconds West, a distance of 809.68 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 821.65 feet, said point being the Point of Beginning, and containing 31.9556 acres, more or less

From: [Travis Schram](#)
To: [Dan Foster](#); [Kelly Woodward](#)
Cc: [Robert Case](#); [Michelle Leininger](#); [Mark Breuer](#)
Subject: RE: 18-226 RE: Legal Description revisions
Date: Tuesday, March 10, 2020 4:02:42 PM
Attachments: [image001.png](#)
[image003.png](#)

Please see below for our responses to the questions posed. Please let me know if there is any additional information needed.

1. **“Anticipated relationship of proposed zoning to economic development or public health, safety and welfare”**

- a. **Multi-Family:** The proposed Multi-family project is designed to bring much needed quality workforce housing to the area. There is a significant need for workforce housing in the area and a project of this scale would be significant in reducing the current shortage. Highway visibility as well as accessibility make this an ideal location for attracting new residents to the area.
- b. **Commercial:** The interstate accessibility and visibility of the commercial element of this project make it ideal to attract sales and the subsequent tax revenue from non-residents as they travel along I-35. Additionally, this project will bring more options to the current citizens of Gardner. As the other residential elements of the development mature, the area will see additional retail options of increasing quality and variety.

2. **“Anticipated impact of zoning/use on existing public infrastructure”**

- a. **Multi-Family:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.
- b. **Commercial:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.

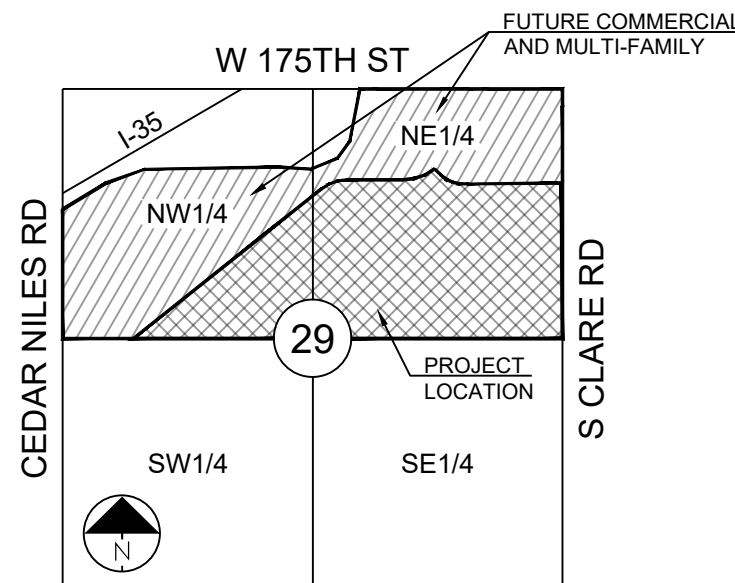
Thank you,

Travis Schram

R-3 LEGAL DESCRIPTION

Part of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 246.33 feet; thence North 56 degrees 31 minutes 20 seconds East, a distance of 564.78 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of North 58 degrees 45 minutes 06 seconds East, and an arc length of 52.92 feet; thence South 39 degrees 59 minutes 41 seconds East, a distance of 1119.42 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 814.47 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 815.43 feet to the Point of Beginning, and containing 31.8802 acres, more or less.



LOCATION MAP
SCALE 1" = 2000'

913-732-4778
INFO@GRATA.LAND



SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

DRAWN BY:		REVISION DATE	DESCRIPTION
A/C	1	1-23-2020	CITY COMMENTS
CHECKED BY:	2	2-10-2020	CITY COMMENTS
	3	2-12-2020	CITY COMMENTS
	4	2-18-2020	CITY COMMENTS
MAB	5	3-9-2020	CITY COMMENTS
PREPARED:			
	01-10-20		
J. NUMBER			
15-226			

ZONING EXHIBIT

Z-1



BUSINESS & ECONOMIC DEVELOPMENT

February 4, 2019

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, February 25, 2020, beginning at 7:00 p.m.**, in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

Z-20-01(PDP-20-01): Hold a public hearing on and consider a rezoning of approximately 136.3 acres from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts to City of Gardner Districts RP-1 (Planned Single-Family Residential) (approximately 88.2 acres) and RP-2 (Planned Two-Family Residential) (approximately 48.1 acres) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Ttax Ids 2F231429-3001& 2F231429-1001.

Z-20-02: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District R-3 (Garden Apartment) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Id 2F231429-1001.

Z-20-03: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) Districts to City of Gardner District C-3 (Heavy Commercial) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Ids 2F231429-3001& 2F231429-1001.

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0909.

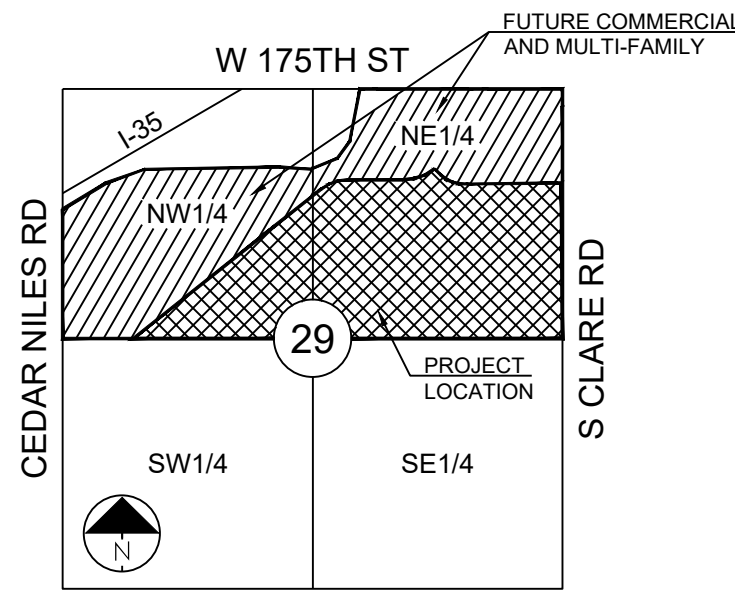
After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more information, contact the Business & Economic Development Department.

PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

Sincerely,

Michelle Leininger, AICP
Principal Planner

Enclosure



LOCATION MAP
SCALE 1" = 2000'

Commencing at the Southwest corner said Northwest One-Quarter of said Section 29, thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1032.39 feet to the POINT OF BEGINNING, thence continuing along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1309.16 feet to Highway 135; Right-of-way as now established, said point also being a point of curvature, thence Northerly along said South Right-of-way line on a curve, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 1309.16 feet, a central angle of 35.75 feet, thence continuing along said South Right-of-Way for the next eight corners, North 56 degrees 31 minutes 20 seconds East, a distance of 543.63 feet, thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet, thence North 87 degrees 46 minutes 58 seconds East, a distance of 437.78 feet, thence North 88 degrees 38 minutes 39 seconds East, a distance of 576.96 feet to a point on the North line of the Northwest One-Quarter of Section 14, T23N, R32E, thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 1050.07 feet, thence along the East line of said Northwest One-Quarter a distance of 1050.07 feet, thence leaving said East line South 87 degrees 58 minutes 12 seconds West, a distance of 1048.22 feet to a point of curvature, thence along a curve to the right, tangent to the previous course and having an initial tangent bearing of North 57 degrees 10 minutes 50 seconds West, a radius of 1048.22 feet, a central angle of 12.20 seconds West, and an arc length of 267.46 feet, thence North 49 degrees 57 minutes 10 seconds West, a distance of 109.45 feet to a point of curvature, thence along a curve to the right, tangent to the previous course and having an initial tangent bearing of North 50 degrees 00 feet, a central angle of 40 degrees 56 minutes 09 seconds, a chord bearing of South 87 degrees 58 minutes 39 seconds West, and an arc length of 351.70 feet, thence North 88 degrees 38 minutes 39 seconds East, a distance of 576.96 feet to a point of curvature, thence continuing along the North line of said Northwest One-Quarter of Section 14, T23N, R32E, North 87 degrees 58 minutes 01 seconds East, a chord bearing of South 09 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet, thence South 50 degrees 04 minutes 56 seconds West, a distance of 1750.55 feet, thence North 39 degrees 59 minutes 41 seconds East, a distance of 1119.42 feet to a point of curvature, thence along a curve to the right, tangent to the previous course and having an initial tangent bearing of North 39 degrees 59 minutes 41 seconds East, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 88 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet, thence South 27 degrees 31 minutes 20 seconds West, a distance of 564.78 feet, thence South 87 degrees 58 minutes 01 seconds East, a distance of 1050.07 feet to the POINT OF BEGINNING.

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles
West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06

913-732-4778
INFO@GRATA.LAND

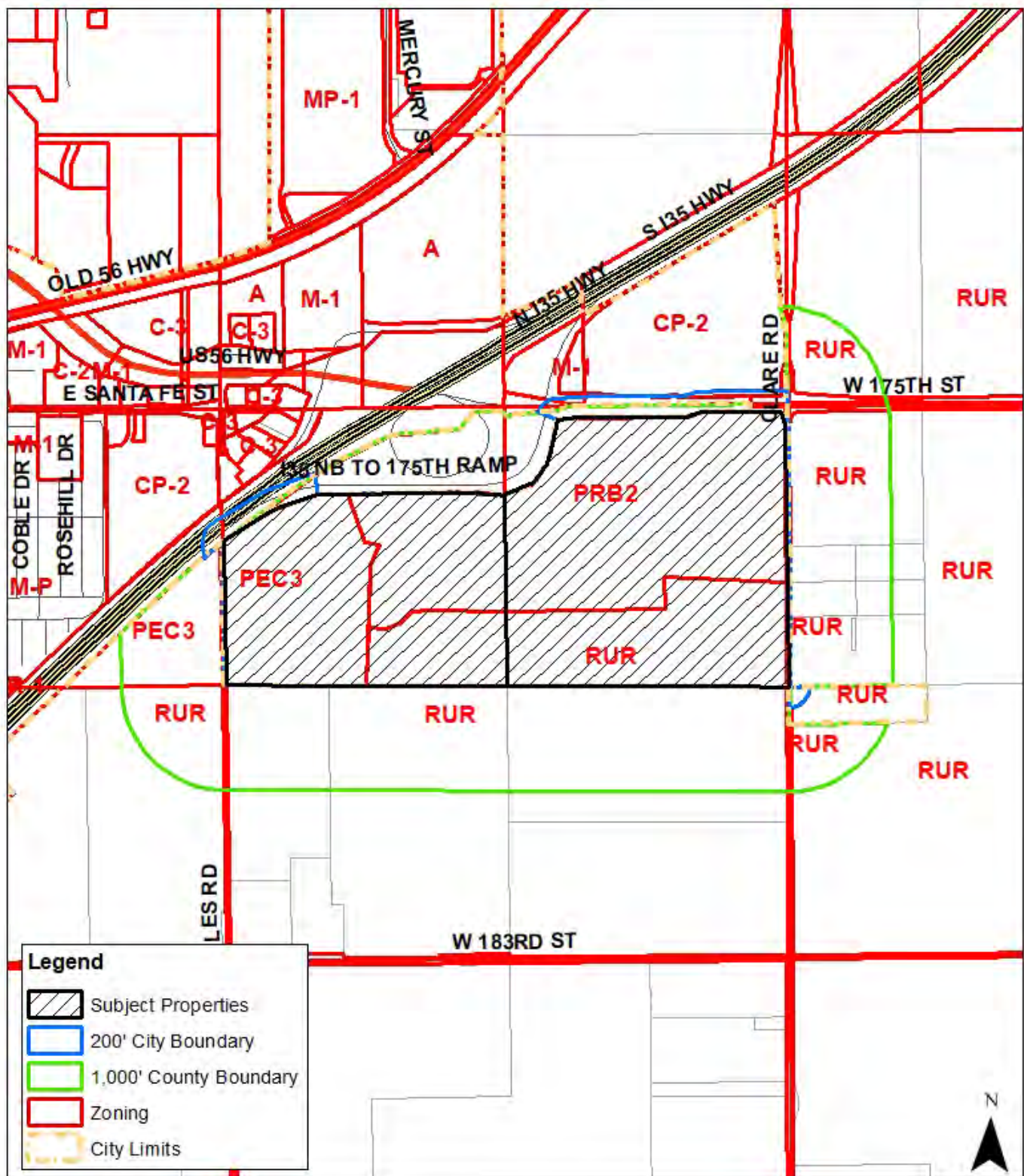
7-1

REVISION	DATE	DESCRIPTION
1	12/22/2020	CITY COMMENTS
2		
3		
4		
5		
6		
7		
8		

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT



Gardner Planning Commission
 Z-20-01(PDP-20-01) : County RUR, PRB2 & PEC3 to City RP-1 & RP-2 &
 PDP for Prairie Trace
 Z-20-02: County PRB2 & PEC3 to City R-3
 Z-20-03: County PRB2 & PEC3 to City C-3
 Meeting Date: February 25, 2020

Map Date: 2/4/20

Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

Re: **City of Gardner Applications: Z-20-01 (PDP-20-01), Rezoning** approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (Planned Single Family Residential, approximately 88.2 acres) and RP-2 (Planned Two-Family Residential, approximately 48.1 acres) and associated **Preliminary Development Plan** for Prairie Trace; and **PP-20-01, Preliminary plat** 356 single-family lots for Prairie Trace; and **Z-20-01, Rezoning** approximately 31.9 acres from County PRB2 and PEC-3 to City of Gardner District R-3; and **Z-20-03, Rezoning** approximately 100.4 acres from County PRB2 and PEC-3 to City of Gardner District C-3; on properties are located southwest of 175th Street and Clare Road.

Thank you for forwarding the application information and proposed plans for the above referenced development. The subject properties are located within 1 mile of the New Century AirCenter. Pursuant to K.S.A. 3-307e, any changes in existing city zoning must have the approval of the Board of County Commissioners of Johnson County, Kansas (BOCC), to be valid and effective.

The following are preliminary comments from the Johnson County Planning staff and Airport staff for the subject applications and may not necessarily reflect the official views or comments of the BOCC:

1. Preliminary development plans or conceptual plans should be reviewed and approved with the proposed rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the New Century AirCenter (NCAC) Comprehensive Compatibility Plan. The proposed rezonings for the C-3 and R-3 districts do not include preliminary development plans as typically required for County review of applications within one mile of the airports. Staff supports the proposed rezonings with the appropriate plans and restrictions in accordance with the New Century AirCenter Compatibility Plan.
2. If preliminary development plans are not included with the rezoning applications, staff would recommend that conditions be included in the respective zoning ordinances as noted below in comments #6-20.
3. The New Century AirCenter Future Land Use Map (attached) identifies the following recommended land uses for the subject property:
 - Airport Industrial Park
 - General Commercial
 - Low Density Residential (Maximum 3 dwelling units/acre)
 - Medium Density Residential (5-12.5 units/acre)
4. The proposed R-3 and C-3 zoning and part of the RP-2 zoning represent a change in use according to the NCAC Future Land Use Map since these areas are identified as Airport Industrial Park. This land use category is intended for areas located near the airport and is recommended for low density offices, warehouses or businesses related to airport operations.

5. The western 125 feet of the R-3 and C-3 zoning boundaries are located within the Primary Flight Corridor Subarea C (see attached AIMS maps). Land areas adjacent to and within the Primary Flight Corridor are generally planned for commercial and industrial uses.
6. All commercial and residential buildings shall be located completely out of the Primary Flight Corridor that overlays the western edge of the R-3 and C-3 zoning boundaries.
7. To offset the proposed change from Airport Industrial Park uses to multi-family residential development, careful site design should be considered to maximize open space areas and locate buildings as far as possible from the Primary Flight Corridor and reduce densities of development closest to the Primary Flight Corridor.
8. Open space areas should be provided adjacent to the Primary Flight Corridor for safety purposes with areas at least 75 feet wide, at least ½ acre in size, extended along the entire length of the flight corridor. The open space areas should be free of abrupt elevation changes and objects such structures, overhead lines, large trees and light poles.
9. Permanent water features or drainage areas shall not be located within the R-3 and C-3 properties closest to the primary flight corridor. Any water features in the RP-1 and RP-2 areas should be limited to only those areas necessary for required open stormwater drainage.
10. The maximum density of multi-family residential development shall be 12.5 units per acre of gross land area for the R-3 zoning area.
11. The maximum density of single family residential development shall be 3 dwelling units per acre of gross land area for RP-1 and RP-2 zoning.
12. Commercial land uses should be compatible with airport operations and any use that compromises the efficient and safe operation of the airport shall be prohibited according to the Land Use Restrictions identified in Chapter 3, Section 4, of the NCAC Comprehensive Compatibility Plan.
13. Single land uses that attract crowds in excess of 500 persons at any one time (such as hospitals, schools, theaters, arenas, and the like,) or concentrates persons who are unable to respond to emergency situations (such as day care establishments, nursing homes and elderly care or special care facilities), will need to be evaluated carefully for airport compatibility due to the large concentration of persons at such facilities.
14. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
15. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
16. Acknowledgment of Noise Impact area, and noise attenuation/sound proofing construction standards should be considered for all development located within the boundaries of the NCAC Airport Interest Area.
17. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.

Planning, Development & Codes

18. Preliminary and final site development plans must be reviewed and approved by the BOCC for all subject properties in accordance with the NCAC Comprehensive Compatibility Plan.
19. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.
20. Any city ordinances approving the rezonings should include a provision indicating that the rezonings shall not be effective unless and until approved by the Board of County Commissioners.

At the conclusion of the city's actions on these applications, all relevant information and documents which were considered by the city regarding the applications, should be forwarded to the BOCC, in care of Sean Pendley, Johnson County Planning Department, 111 S. Cherry, Suite 2000, Olathe, Kansas, 66061. Thereafter, the Airport Commission will consider the applications and provide a recommendation to the BOCC. Finally, the BOCC will review the proposed requests and all information submitted for the record and render its decision on the applications.

Please note, if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, then county staff anticipates recommending that the Board grant conditional zoning approval, made subject to subsequent compliance with the above-referenced conditions.

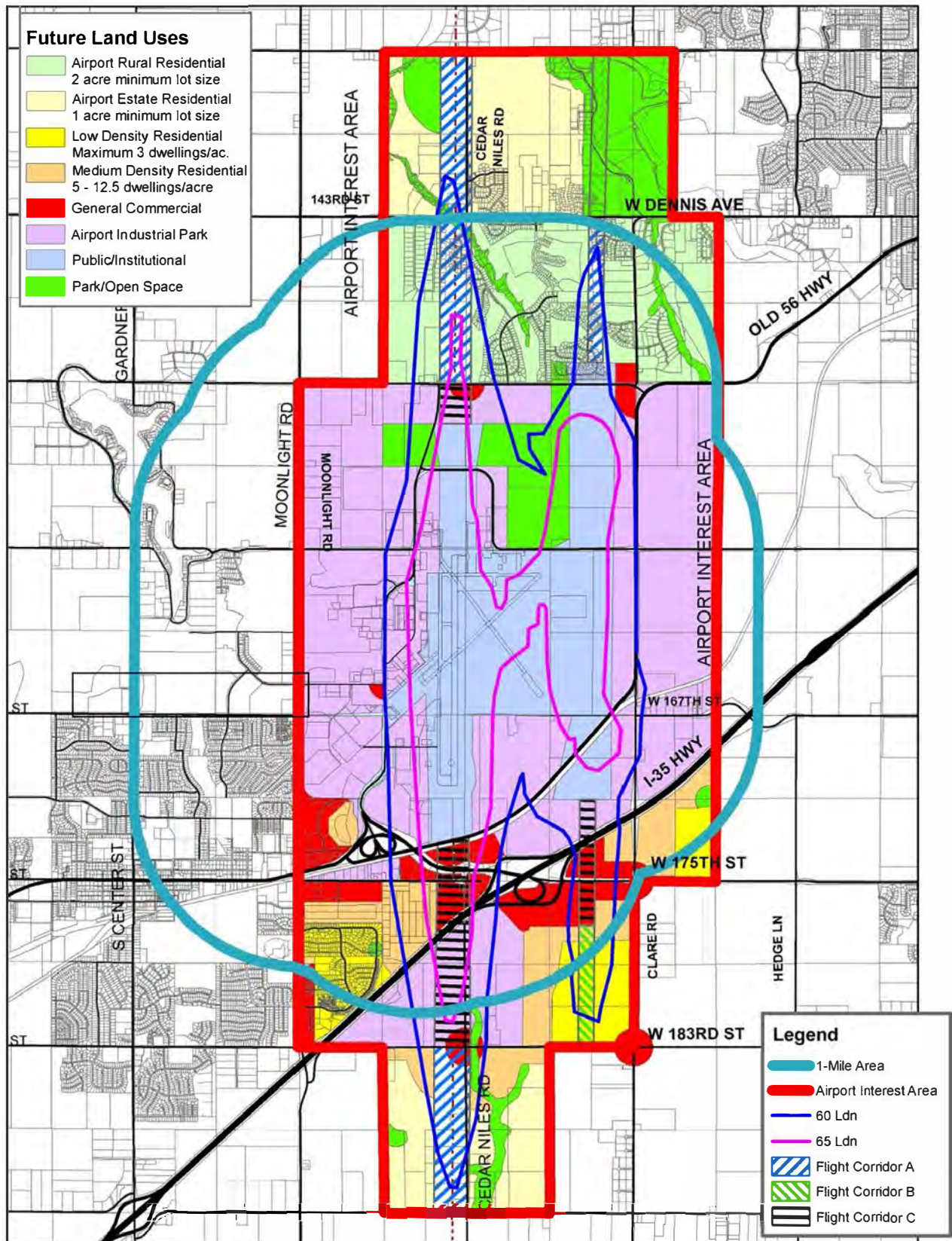
If you have any questions concerning these comments, please contact me at (913) 715-2205. Thank you for your cooperation in this matter.

Respectfully,



Sean Pendley, AICP
Deputy Director of Planning

Cc: Aaron Otto, Johnson County Airport Commission
Larry Peet, Johnson County Airport Commission
Jay Leipzig, Johnson County Planning
Richard Lind, Johnson County Legal

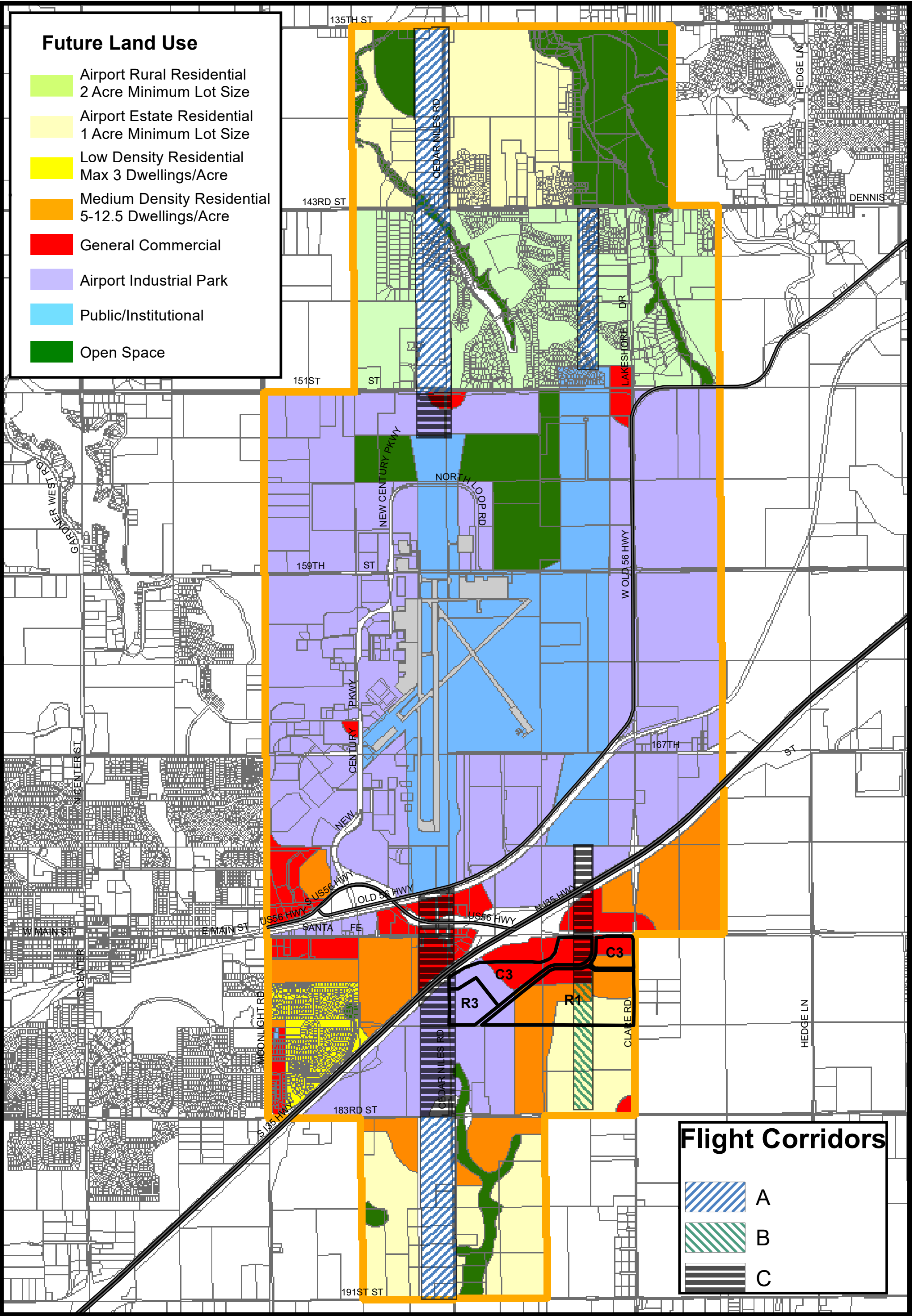


REPLICA OF NCAC FUTURE LAND USE MAP

0 0.5 1 2 Miles

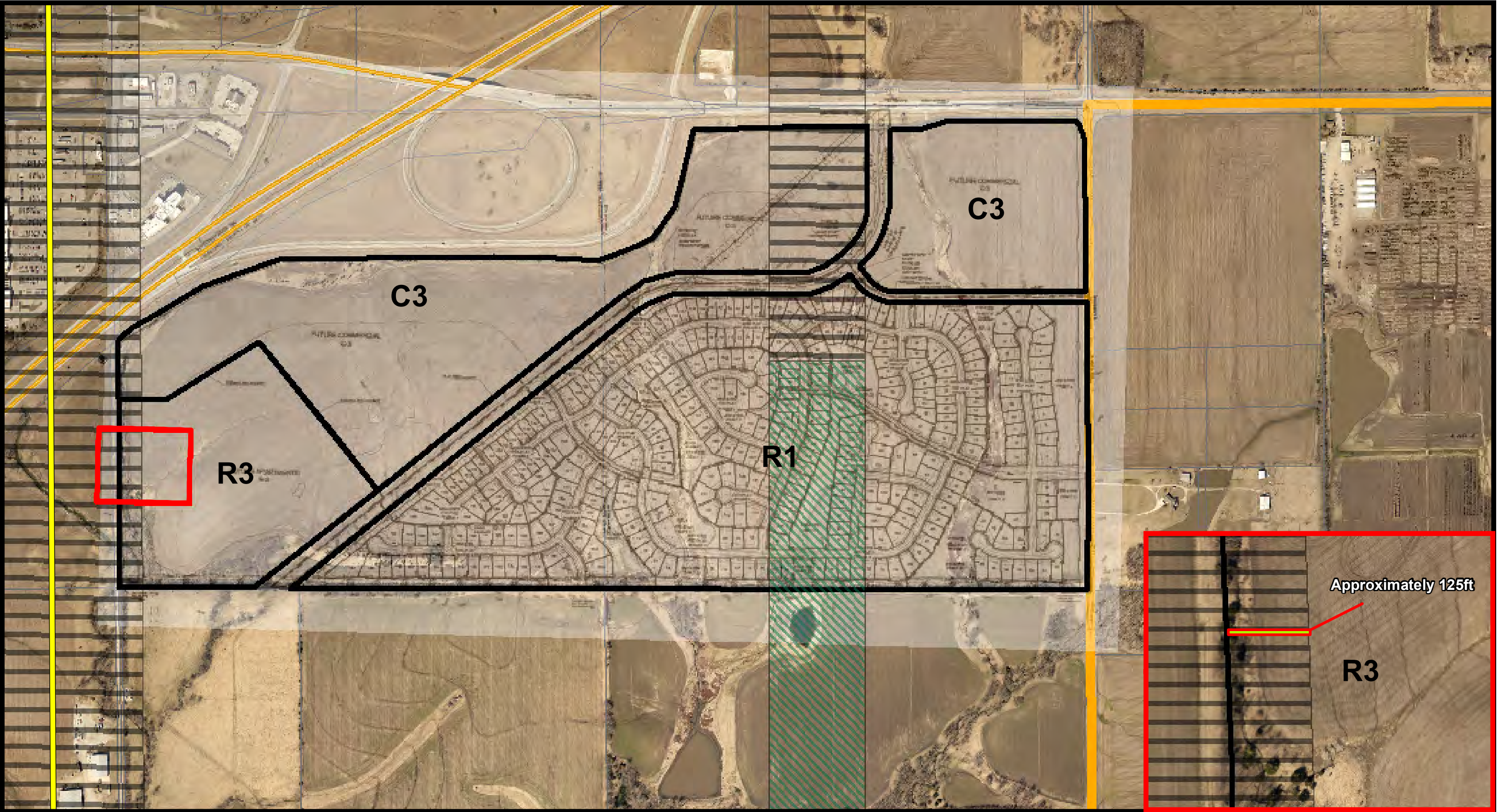


New Century Airport

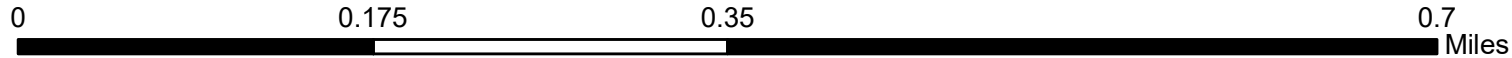


0 0.5 1 2 Miles

Prarie Trace (Proposed)



NCAC Centerline



COUNCIL ACTION FORM

COMMITTEE RECOMMENDATION No. 4

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: LARRY POWELL, BUSINESS & ECO DEV DIRECTOR

Agenda Item: Consider adopting ordinance approving a rezoning from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace. (Z-20-01(PDP-20-01))

Strategic Priority: Economic Development; Asset and Infrastructure Management

Department: Business & Economic Development

Planning Commission Recommendation:

After review of applications Z-20-01, a rezoning for 136 acres from County RUR, PRB2 and PEC3 to RP-1 and RP-2 located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan PDP-20-01 for Prairie Trace and dated March 10, 2020, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. Label the following tracts and add the size in the summary tables
 - a. Trail tract between Estates Lot 177 and Lot 178.
 - b. Trail tract between Estates Lot 79 and Lot 80.
2. Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.
3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.
4. Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.
5. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.
6. Provide a written agreement that KCP&L/Everygy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.
9. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.
10. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.

11. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.
12. Revise the deviation requests on the first three pages of the plan to reflect what has been approved.
13. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
14. Revise the right-of-way for 177th Street to be at least 80' in width.
15. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
16. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.
17. Revise deviation request #4 for Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width for the 'Estates' area to read 30%; 20' max at the right-of-way.

Staff Recommendation:

Staff recommends approval of the rezoning and associated preliminary development plan with the conditions outlined below.

1. Label the following tracts and add the size in the summary tables
 - a. Trail tract between Estates Lot 177 and Lot 178.
 - b. Trail tract between Estates Lot 79 and Lot 80.
2. Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.
3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.
4. Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.
5. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.
6. Provide a written agreement that KCP&L/Everygy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.
9. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.
10. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.
11. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.

12. Potential conditions regarding Deviation #4, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width for the 'Estates' area.
13. Potential conditions regarding Deviation #5, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation for the 'Estates' area.
14. Potential conditions regarding Deviation #10, Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Design and Performance Standards; Garage Limits for the 'Meadows' area.
15. Potential conditions regarding Deviation #11, Section 17.05.05(C) Design Standards; Neighborhood Yard; Access Width Limits for the 'Meadows' area.
16. Potential conditions regarding Deviation #12, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation for the 'Meadows' area.
17. Revise the deviation requests on the first three pages of the plan to reflect what has been approved.
18. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
19. Revise the right-of-way for 177th Street to be at least 80' in width.
20. Provide a truck-turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
21. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.

and recommended the Planning Commission forward the recommendation for approval to the Governing Body.

Background/Description of Item:

These properties were annexed into the City on September 3, 2019 per Ordinance 2622. The properties were zoned RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts in the County and annexed into the City as such in September 2019. The subject properties are part of a larger development project that includes the single-family planned district, multi-family residential and commercial. The single-family portion is what is included in this application. Currently the properties are unplatted and farmed with row crops.

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two area plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized for the future land use in that area in the plan. The property is shown for Regional Commercial, Commercial and Light Industrial, and Heavy Commercial and Industrial future land uses. The portion of the properties subject to this rezoning and preliminary development plan are identified for Commercial and Light Industrial and Heavy Commercial and Industrial. While the project is not consistent with the future land use designations, the proposed plan is supported by various goals and policies in the Comprehensive Plan including protecting and respecting the natural systems in place, pedestrian connectivity, various residential land use policies, and open space and trail facilities.

Staff findings regarding the rezoning are that the area is rural character and has never been developed with the exception of crop agriculture and single-family homes. The removal of the restrictions will not negatively impact the nearby property as the proposed use is less intense than the potential uses with the previous zoning, the property cannot develop with the existing County zoning when the property is within the City, and the project will support additional development on the east side of the interstate with the extension of city utilities.

The proposed preliminary development plan is for one section to be zoned to allow for small lot single-family residential and the other section to be zoned for standard suburban single-family development, in total, 356 single-family units. The proposal also includes a pool and clubhouse area, open space areas, and trail facilities.

This project requested 13 deviations from the base district standards. These deviations include deviations from the requirement to have sidewalks on both sides of the street, rear building setback reduction, lot building coverage percentage increase, lot access width increase (driveway width), frontage hardscape limit increase, and increase in garage limits. More details regarding the deviation requests can be found in the attached Planning Commission staff report. The Planning Commission is recommending approval of the deviations as requested with one clarification of a deviation request pertaining to access width.

This property is within the New Century AirCenter impact area and will require review by the Johnson County Airport Board and Board of County Commissioners. The Johnson County Planning staff provided comments that are included in the packet regarding the proposal and potential impact to the airport.

At the March 24, 2020 Planning Commission meeting, the Commission held a public hearing regarding the rezoning and preliminary development plan. There were four interested people in attendance though none spoke. The Planning Commission recommended approval of the rezoning and preliminary development plan with conditions by a vote of 7-0.

ACTIONS

Per Section 17.03.030 (D) of the *Gardner Land Development Code*, the Governing Body may:

1. Adopt such recommendation by ordinance, (simple majority vote);
2. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body; or
3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

Financial Impact:

None at this time. Extension of utilities to the site at a later date.

Other Impacts:

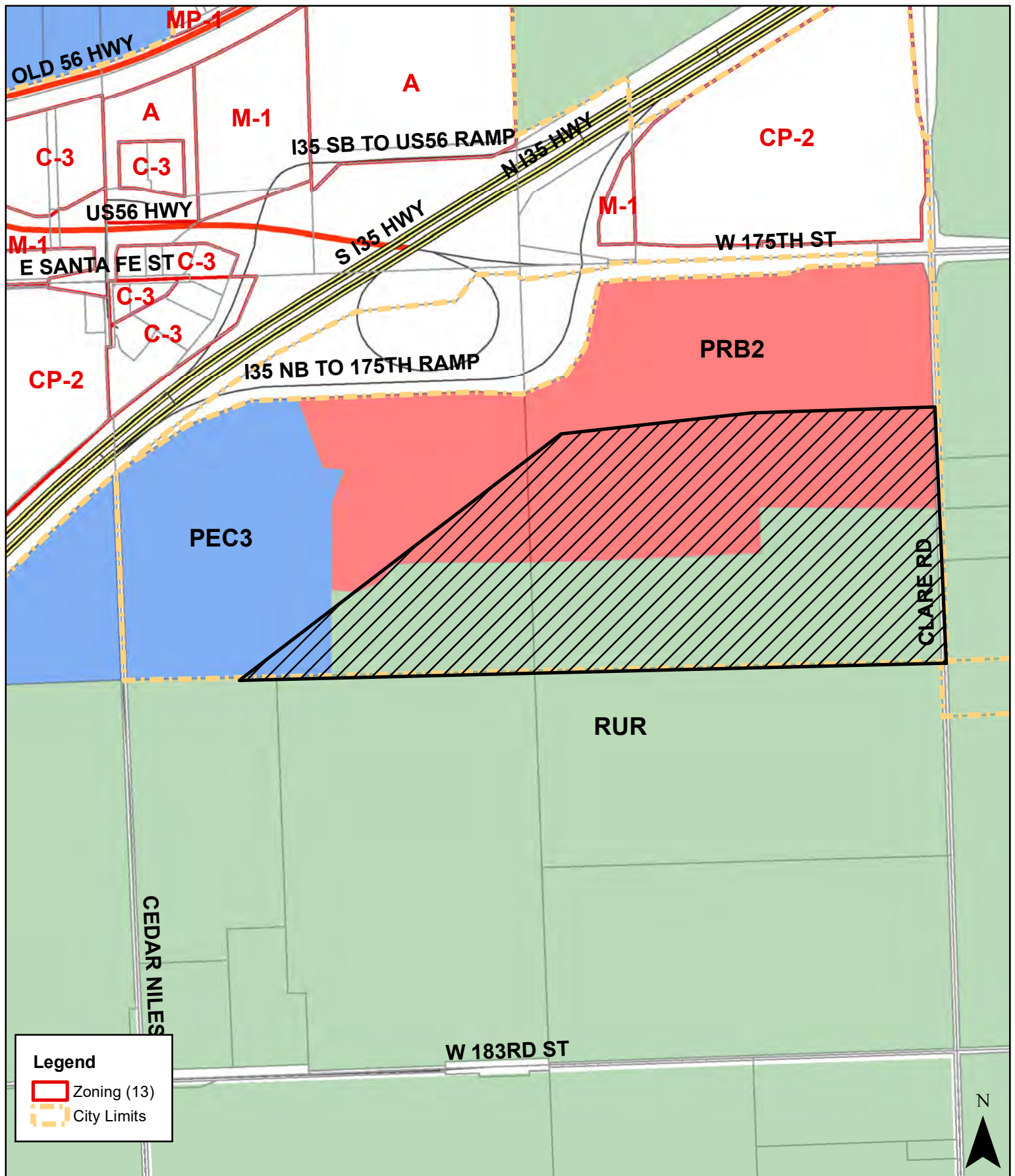
None

Attachments included:

- Vicinity Map
- Ordinance
- Preliminary development plan document
- County Planning letter
- March 24, 2020 draft Planning Commission minute excerpt
- Planning Commission packet

Suggested Motion:

Accept the recommendation of the Planning Commission and approve Ordinance No. 2659, an ordinance changing the zoning classification or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.



ORDINANCE NO. 2659

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on March 24, 2020, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas Land Development Code, the zoning classification or districts of the lands legally described hereby are changed as follows:

The following described properties located near the southwest corner of 175th Street and Clair Road shall hereafter have a zoning classification of RP-1 (Planned Single-Family Residential) District and RP-2 (Planned Two-Family Residential) District in accordance with preliminary development plan PDP-20-013 Prairie Trace dated March 10, 2020, and subject to the following conditions:

1. Label the following tracts and add the size in the summary tables
 - a. Trail tract between Estates Lot 177 and Lot 178.
 - b. Trail tract between Estates Lot 79 and Lot 80.
2. Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.
3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.
4. Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.
5. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.
6. Provide a written agreement that KCP&L/Evergy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.
9. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.
10. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.
11. 11. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.
12. Revise the deviation requests on the first three pages of the plan to reflect what has been approved.

13. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
14. Revise the right-of-way for 177th Street to be at least 80' in width.
15. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
16. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.
17. Revise deviation request #4 for Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width to read 30%; 20' max at the right-of-way.

CASE NO. Z-20-01(PDP-20-01)

Rezoning from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) District to RP-1 (Planned Single-Family Residential) District:

Legal Description:

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East, a distance of 821.65 feet to the POINT OF BEGINNING; thence North 50 degrees 05 minutes 51 seconds East, a distance of 1912.66 feet; thence South 39 degrees 53 minutes 53 seconds East, a distance of 131.66 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 400.00 feet, a central angle of 15 degrees 04 minutes 01 seconds , a chord bearing of South 32 degrees 21 minutes 53 seconds East, and an arc length of 105.19 feet; thence South 24 degrees 49 minutes 53 seconds East, a distance of 39.31 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 48 minutes 33 seconds , a chord bearing of South 38 degrees 14 minutes 09 seconds East, and an arc length of 233.95 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 25 degrees 52 minutes 45 seconds , a chord bearing of South 64 degrees 34 minutes 48 seconds East, and an arc length of 225.84 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 263.28 feet; thence North 12 degrees 28 minutes 49 seconds East, a distance of 211.59 feet; thence North 48 degrees 57 minutes 43 seconds East, a distance of 354.16 feet; thence North 88 degrees 11 minutes 20 seconds East, a distance of 148.03 feet; thence North 37 degrees 49 minutes 31 seconds East, a distance of 152.04 feet; thence South 89 degrees 36 minutes 50 seconds East, a distance of 197.43 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds , a chord bearing of South 73 degrees 57 minutes 00 seconds East, and an arc length of 273.39 feet; thence South 58 degrees 17 minutes 09 seconds East, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds , a chord bearing of South 63 degrees 22 minutes 00 seconds East, and an arc length of 141.88 feet; thence South 68 degrees 26 minutes 50 seconds East, a distance of 273.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds , a chord bearing of South 68 degrees 48 minutes 44 seconds East, and an arc length of 6.37 feet; thence North 25 degrees

08 minutes 52 seconds East, a distance of 126.25 feet; thence North 02 degrees 17 minutes 53 seconds West, a distance of 494.13 feet; thence North 25 degrees 46 minutes 21 seconds West, a distance of 371.79 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 719.47 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1650.81 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 2697.73 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 1882.94 feet, said point being the Point of Beginning, and containing 93.6803 acres, more or less.

AND

Rezoning from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) District to RP-2 (Planned Two-Family Residential) District:

Legal Description:

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East, a distance of 821.65 feet; thence North 50 degrees 05 minutes 51 seconds East, a distance of 1912.66 feet to the POINT OF BEGINNING; thence North 50 degrees 05 minutes 51 seconds East, a distance of 657.95 feet to a point of curvature; thence along a curve to the right, having a radius of 500.00 feet, a central angle of 38 degrees 43 minutes 37 seconds, a chord bearing of North 69 degrees 17 minutes 55 seconds East, and an arc length of 337.96 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 569.32 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 39 degrees 36 minutes 53 seconds, a chord bearing of North 68 degrees 51 minutes 17 seconds East, and an arc length of 345.70 feet; thence South 46 degrees 37 minutes 17 seconds East, a distance of 145.32 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 300.00 feet, a central angle of 45 degrees 24 minutes 44 seconds, a chord bearing of South 69 degrees 19 minutes 39 seconds East, and an arc length of 237.78 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 317.90 feet; thence South 25 degrees 46 minutes 21 seconds East, a distance of 371.79 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right, having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 197.43 feet; thence South 37 degrees 49 minutes 31 seconds West, a distance of 152.04 feet; thence South 88 degrees 11 minutes 20 seconds West, a distance of 148.03 feet; thence South 48 degrees 57 minutes 43 seconds West, a distance of 354.16 feet; thence South 12 degrees 28 minutes 49 seconds West, a distance of 211.59 feet; thence North 77 degrees 43 minutes 04 seconds West,

a distance of 263.28 feet to a point of curvature; thence along a curve to the right, having a radius of 500.00 feet, a central angle of 25 degrees 52 minutes 45 seconds, a chord bearing of North 64 degrees 34 minutes 48 seconds West, and an arc length of 225.84 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 48 minutes 33 seconds , a chord bearing of North 38 degrees 14 minutes 09 seconds West, and an arc length of 233.95 feet; thence North 24 degrees 49 minutes 53 seconds West, a distance of 39.31 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 400.00 feet, a central angle of 15 degrees 04 minutes 01 seconds , a chord bearing of North 32 degrees 21 minutes 53 seconds West, and an arc length of 105.19 feet; thence North 39 degrees 53 minutes 53 seconds West, a distance of 131.66 feet, said point being the Point of Beginning, and containing 42.3694 acres, more or less.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Land Development Code as amended.

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the Governing Body and publication in the official City Newspaper.

PASSED by the Governing Body this 20th day of April, 2020.

SIGNED by the Mayor this 20th day of April, 2020.

(SEAL)

CITY OF GARDNER, KANSAS

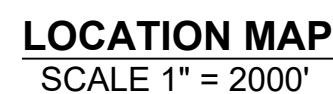
Steve Shute, Mayor

Attest:

Sharon Rose, City Clerk

Approved as to form:

Ryan B. Denk, City Attorney



PRAIRIE TRACE
PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

GENERAL
YOUT -
OVERALL

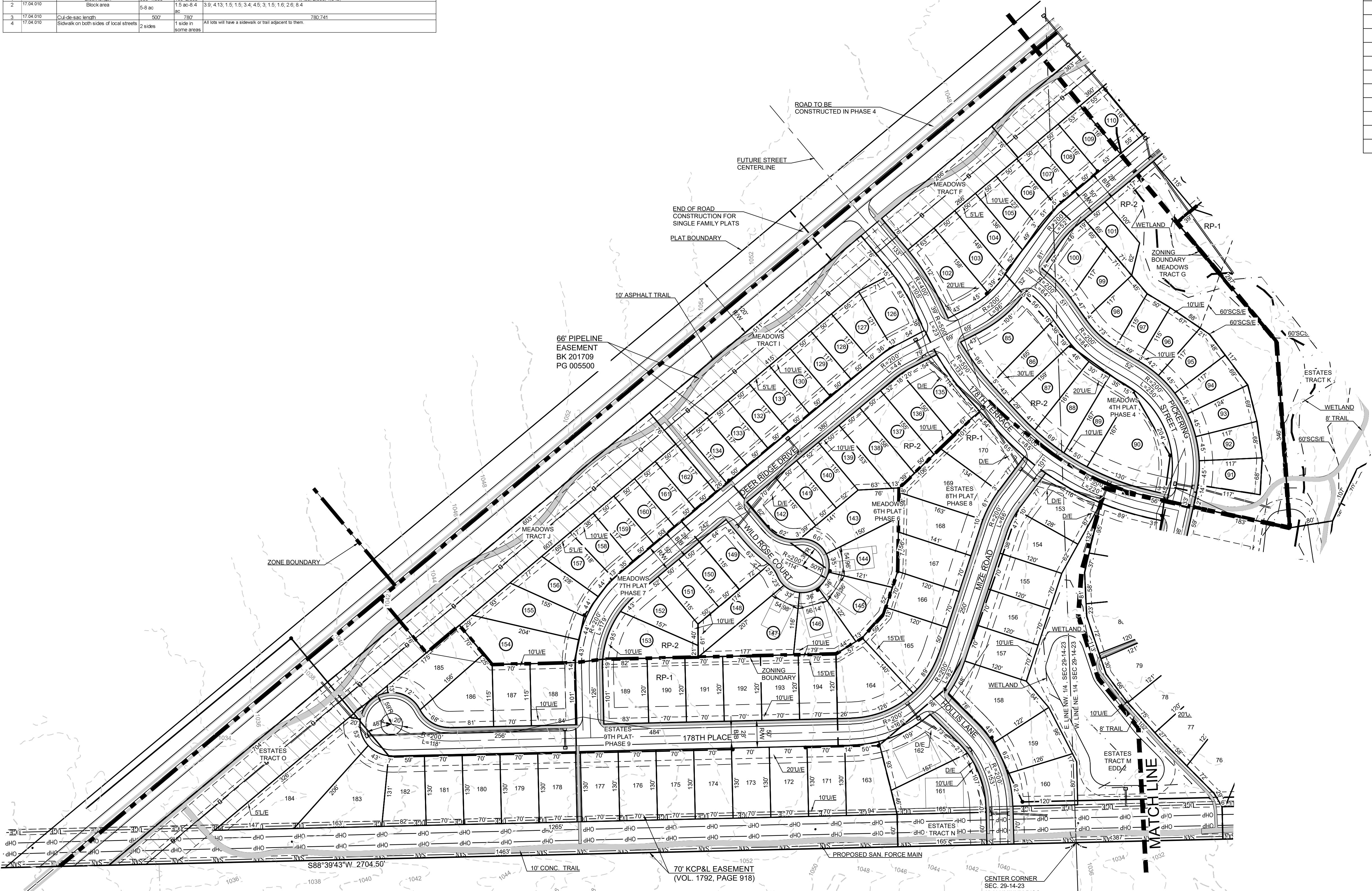
1

FIRE TRUCK TURNING TEMPLATE DETAIL

MEADOWS
TACHED HOUSE
EIGHBORHOOD

I:\PROJECTS\2021\818-2283.0 Design\3.0 DWG Plans\2.0 PDP\18-228-PDP-GEN.dwg, 3/10/2020 7:45:44 AM, 1:1

Code Section	Code Standard	Standard	Request	Notes
ESTATES				
1	17.07.003-A Table 12.4 17.07.040	Detached House - Suburban Minimum Building Coverage	30%	40%
2	17.07.003-A Table 12.4 17.07.040	Detached House - Suburban Rear Setback	20'	20'
3	17.07.003-C	Detached House - Neighborhood Access Limits	10%, 20' max	30%, 20' max
4	17.07.003-C	Detached House - Neighborhood Hardscape Area	10%, 20' max	Allocation of space hardscape 26.6% 2 car 31% 3 car rectangular lot 36.6% 2 car 46.4% 3 car cul de sac
5	17.07.003-C	Detached House - Neighborhood Sewer	Direct Connect to Street	Street Connect to Street
MEADOWS LOTS				
1	17.07.003-A Table 12.4 17.07.040	Detached House - Neighborhood Minimum Lot Size	6,000 sf	5,760 sf
2	17.07.003-A Table 12.4 17.07.040	Detached House - Neighborhood Minimum Building Coverage	40%	45%
3	17.07.003-A Table 12.4 17.07.040	Detached House - Neighborhood Rear Setback	20'	20'
4	17.07.003-C	Detached House - Neighborhood Garage Limit	20% up to 40% if set 12' from front	16' Garage door width
5	17.07.003-C	Detached House - Neighborhood Access Limits	10%, 20' max	32%, 16' max
6	17.07.003-C	Detached House - Neighborhood Hardscape Area	10%, 20% max	40% up to 40%
7	17.07.003-C	Detached House - Neighborhood Sewer	Direct Connect to Street	Direct Connect to Street
STREET DESIGN				
1	17.04.010	Block front	500' 1,000'	1,450' 2,358' 1,048'
2	17.04.010	Block area	54 ac	13.8 4.13 1.5 1.5 3.4 4.5 3.1 1.6 2.6 6.4
3	17.04.010	Cul-de-sac length	500'	750' 750'
4	17.04.010	Sidewalk on both sides of local streets	2 sides	1 side if 100' or more



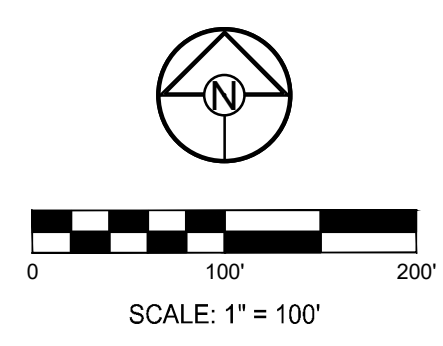
MEADOWS WEST			
LOT #	AREA (SF)	LOT #	AREA (SF)
85	12,674	126	8,639
86	8,239	127	6,565
87	9,262	128	5,853
88	9,456	129	5,853
89	8,379	130	5,853
90	18,253	131	5,853
91	6,541	132	5,853
92	6,542	133	5,853
93	6,781	134	5,853
94	6,781	135	9,474
95	6,709	136	7,639
96	6,445	137	7,816
97	5,750	138	7,941
98	7,078	139	6,891
99	6,812	140	6,035
100	8,419	141	5,750
101	5,895	142	7,605
102	11,087	143	11,351
103	7,750	144	10,637
104	7,142	145	9,768
105	6,476	146	9,311
106	5,925	147	13,097
107	5,800	148	8,938
108	5,800	149	7,565
109	6,148	150	5,750
		151	5,750
		152	8,484
		153	9,653
		154	12,819
		155	10,928
		156	8,134
		157	6,844
		158	6,051
		159	5,853
		160	5,853
		161	5,853
		162	5,853

LOT #	AREA (SF)	LOT #	AREA (SF)
MEADOWS TRACT A	1,310		
MEADOWS TRACT B	32,766		
MEADOWS TRACT C	66,529		
MEADOWS TRACT D	10,442		
MEADOWS TRACT E	11,465		
MEADOWS TRACT F	20,217		
MEADOWS TRACT G	65,302		
MEADOWS TRACT H	49,191		
MEADOWS TRACT I	42,388		
MEADOWS TRACT J	45,807		

- LEGEND:**
- FOUND MONUMENT AS NOTED
 - FOUND 1/2" REBAR
 - UNLESS OTHERWISE NOTED
 - SET 1/2" REBAR W/L5-54 CAP
 - UNLESS OTHERWISE NOTED
 - B/B - BACK TO BACK
 - BL or B.L. - BUILDING LINE
 - D/E - DRAINAGE EASEMENT
 - L/E - LANDSCAPE EASEMENT
 - R/W - RIGHT-OF-WAY
 - S/E - SANITARY SEWER EASEMENT
 - U/E - UTILITY EASEMENT
 - SCS/E - STREAM CORRIDOR SETBACK EASEMENT
 - CURB & GUTTER
 - EXISTING LOT AND PROPERTY LINES
 - EXISTING PLAT AND R/W LINES
 - OVERHEAD POWER LINE
 - SANITARY SEWER MAIN
 - WATERLINE
 - ELECTRIC LINE
 - GAS LINE
 - STORM SEWER
 - SANITARY MANHOLE
 - FIRE HYDRANT
 - WATER VALVE
 - POWER POLE
 - GAS VALVE
 - GUY WIRE
 - LIGHT OVERHEAD
 - POWER PEDESTAL
 - TELEPHONE PEDESTAL

- LOT LEGEND:**
- MEADOWS
 - ESTATES

ESTATES WEST			
LOT #	AREA (SF)	LOT #	AREA (SF)
153	10,317	ESTATES TRACT A	101,192
154	9,232	ESTATES TRACT B	120,804
155	8,400	ESTATES TRACT C	27,310
156	8,400	ESTATES TRACT D	66,397
157	8,400	ESTATES TRACT E	183,132
158	15,232	ESTATES TRACT F	15,532
159	9,622	ESTATES TRACT G	29,771
160	9,727	ESTATES TRACT H	66,077
161	13,335	ESTATES TRACT I	91,303
162	11,862	ESTATES TRACT J	85,340
163	10,415	ESTATES TRACT K	89,361
164	13,698	ESTATES TRACT L	26,752
165	13,761	ESTATES TRACT M	90,872
166	8,400	ESTATES TRACT N	9,893
167	9,152	ESTATES TRACT O	128,031
168	10,657		
169	12,497		
170	11,172		
171	9,100		
172	9,100		
173	9,100		
174	9,100		
175	9,100		
176	9,100		
177	9,100		
178	9,100		
179	9,100		
180	9,100		
181	9,100		
182	9,663		
183	14,718		
184	21,551		
185	11,720		
186	11,556		
187	8,050		
188	9,682		
189	9,954		
190	8,400		
191	8,400		
192	8,400		
193	8,400		
194	8,400		



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ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS

140201

(913) 492-5159 • Fax: (913) 492-8400

WWW.SCHLAGELASSOCIATES.COM

Kansas State Certificate of Authority

#E-298 #L-739 #LS-54

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

REVISION	DATE	DESCRIPTION
1	1-22-2020	CITY COMMENTS
2	2-12-2020	CITY COMMENTS
3	2-12-2020	CITY COMMENTS
4	3-4-2020	CITY COMMENTS

DRAWN BY:	AJC
CHECKED BY:	WAB
DATE PREPARED:	01/10/20
PROJ. NUMBER:	18-298

GENERAL
LAYOUT - WEST

2

L:\PROJECTS\2018\18-2283.0 Design\3.0 DWG\Phase2.0 PDP\18-2283-PDP-GEN.dwg, 3/10/2020 7:45:54 AM, 1:1

MEADOWS EAST				ESTATES EAST			
LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)
1	9,268	61	6,765	1	11,633	61	9,181
2	8,581	62	5,823	2	8,849	62	10,137
3	9,681	63	5,750	3	8,400	63	11,175
4	8,930	64	5,750	4	9,019	64	13,327
5	6,956	65	5,750	5	8,400	65	14,925
6	6,590	66	5,750	6	8,400	66	10,727
7	6,608	67	5,808	7	8,624	67	12,144
8	6,775	68	5,850	8	8,635	68	8,400
9	6,604	69	5,750	9	10,648	69	8,400
10	6,518	70	5,750	10	10,125	70	8,400
11	6,014	71	5,854	11	10,914	71	8,400
12	6,498	72	5,750	12	14,584	72	8,400
13	5,985	73	6,636	13	13,413	73	8,400
14	5,757	74	7,263	14	9,385	74	8,400
15	6,189	75	6,094	15	9,336	75	10,020
16	7,022	76	7,910	16	8,400	76	10,797
17	6,319	77	7,543	17	8,676	77	9,038
18	7,475	78	5,759	18	8,400	78	8,605
19	7,970	79	5,879	19	8,400	79	9,602
20	7,516	80	8,072	20	9,281	80	9,580
21	6,135	81	6,131	21	8,400	81	9,628
22	6,108	82	6,731	22	8,736	82	10,330
23	7,120	83	6,495	23	10,207	83	9,832
24	6,383	84	9,079	24	9,545	84	12,582
25	6,545			25	8,050	85	8,400
26	7,509			26	8,050	86	8,400
27	11,004			27	9,481	87	9,470
28	10,896			28	11,923	88	11,035
29	6,225			29	8,809	89	8,400
30	7,125			30	9,226	90	8,821
31	6,186			31	8,748	91	8,400
32	6,819			32	8,749	92	9,528
33	6,329			33	8,750	93	8,433
34	6,460			34	8,758	94	8,944
35	10,681			35	9,339	95	8,400
36	13,062			36	10,580	96	10,458
37	10,459			37	10,158	97	9,392
38	9,513			38	11,487	98	16,366
39	6,634			39	11,209	99	17,525
40	7,316			40	9,854	100	8,983
41	6,784			41	9,960	101	11,256
42	6,916			42	8,616	102	8,661
43	8,439			43	8,400	103	11,489
44	5,750			44	8,400	104	12,677
45	5,750			45	9,594	105	11,360
46	5,750			46	9,308	106	11,281
47	7,212			47	9,412	107	8,455
48	7,765			48	9,369	108	9,615
49	9,256			49	10,201	109	8,587
50	6,829			50	10,247	110	8,400
51	8,032			51	8,648	111	8,400
52	8,565			52	9,960	112	8,400
53	8,437			53	9,960	113	8,400
54	7,573			54	8,400	114	8,400
55	6,827			55	8,400	115	8,400
56	6,669			56	9,960	116	9,165
57	8,114			57	9,960	117	12,809
58	9,161			58	10,624	118	10,750
59	8,563			59	12,726	119	10,120
60	7,932			60	10,159	120	11,076

LOT #	AREA (SF)
110	6,380
111	6,380
112	5,800
113	5,800
114	6,192
115	6,310
116	6,216
117	6,518
118	6,511
119	6,194
120	6,869
121	7,269
122	9,654
123	7,475
124	5,750
125	5,750

LOT #	AREA (SF)
MEADOWS TRACT A	1,310
MEADOWS TRACT B	32,766
MEADOWS TRACT C	66,529
MEADOWS TRACT D	10,442
MEADOWS TRACT E	11,465
MEADOWS TRACT F	20,217
MEADOWS TRACT G	65,302
MEADOWS TRACT H	49,191
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MEADOWS TRACT J	45,807

LEGEND:

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
- SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
- BACK TO BACK
- B/B
- BL or B.L.
- BUILDING LINE
- D/E
- DRAINAGE EASEMENT
- L/E
- LANDSCAPE EASEMENT
- R/W
- RIGHT-OF-WAY
- S/E
- SANITARY SEWER EASEMENT
- U/E
- UTILITY EASEMENT
- CURB & GUTTER
- EXISTING LOT AND PROPERTY LINES
- EXISTING PLAT AND R/W LINES
- OVERHEAD POWER LINE
- SAN
- SANITARY SEWER MAIN
- WATERLINE
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- STORM SEWER
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- GAS VALVE
- GUY WIRE
- LIGHT OVERHEAD
- POWER PEDESTAL
- TELEPHONE PEDESTAL

LOT LEGEND:

- MEADOWS
- ESTATES

Code	Section	Code Standard	Standard	Request	Notes
1	17181.001.1	Detached House - Suburban	30%	40%	
2	17181.002.1	Detached House - Suburban	20'	20'	Lot adjacent to open space. Lots not adjacent to open space would be required to meet the 20' setback include lots 28,38,40,51,67,82,86,87,89,105,111-115,124-126,133-135,141-146,152,162,164-170,186-194
3	17181.003.1	Detached House - Neighborhood	10%, 20' max	30%, 30' max	Allocation of space between 28.6% 2 car 31% 3 car rectangular lot 36.9% 2 car 46.4% 3 car cul de sac
4	17181.004.1	Detached House - Neighborhood	10%, 20' max	20'	
5	17181.005.1	Detached House - Neighborhood	Direct Connect to Street	Direct Connect to Street	
1	17181.001.1	Detached House - Neighborhood	6,000 sf	3,750 sf	
2	17181.002.1	Detached House - Neighborhood	40%	45%	
3	17181.003.1	Detached House - Neighborhood	20'	20'	Lot adjacent to open space. Lots not adjacent to open space would be required to meet the 20' setback include lots 41,53,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109,110,111,112,113,114,115,116,117,118,119,120,121,122,123,124,125,126,127,128,129,130,131,132,133,134,135,136,137,138,139,140,141,142,143,144,145,146,147,148,149,150,151,152,153,154,155,156,157,158,159,160,161,162,163,164,165,166,167,168,169,170,171,172,173,174,175,176,177,178,179,180,181,182,183,184,185,186,187,188,189,190,191,192,193,194,195,196,197,198,199,200
4	17181.004.1	Detached House - Neighborhood	25%, up to 15' front front	40%	10' Garage door width
5	17181.005.1	Detached House - Neighborhood	30%, 30' max	30%, 30' max	
6	17181.006.1	Detached House - Neighborhood	30%, 30' max	30%, 30' max	
7	17181.007.1	Detached House - Neighborhood	Direct Connect to Street	Direct Connect to Street	
1	17181.001.1	Block length	500'-1,000'	1,000'-2,000'	
2	17181.002.1	Block width	150'-200'	200'-300'	
3	17181.003.1	Block length	500'	750'-1,000'	
4	17181.004.1	Block width	150'-200'	200'-300'	



SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
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Kansas State Certificate of Authority
#E-298 #L-739 #LS-541

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

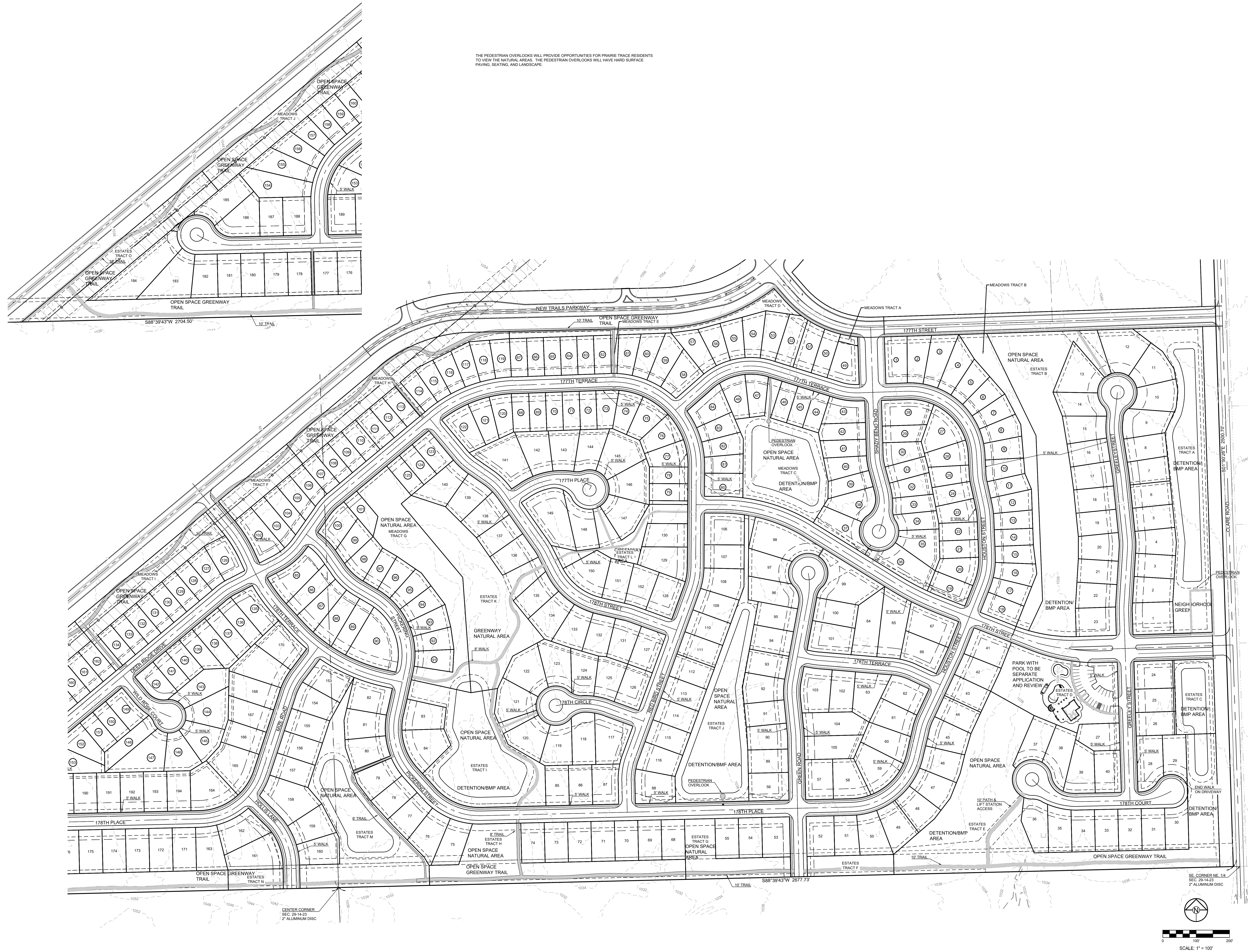
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1/2/2020	CITY COMMENTS
2/10/2020	CITY COMMENTS
2/10/2020	CITY COMMENTS
3/4/2020	CITY COMMENTS

DRAWN BY	CITY COMMENTS
A/C	
CHECKED BY	CITY COMMENTS
MAB	
DATE PREPARED	CITY COMMENTS
01/10/20	
PROJ. NUMBER	
18-296	

GENERAL LAYOUT - EAST

3

I:\PROJECTS\2021\818-2283.0 Design\3.0 DWG Plans\2.0 PDP\18-228-PDP-FED.dwg, 3/10/2020 7:46:15 AM, 1:1



PREPARED BY:

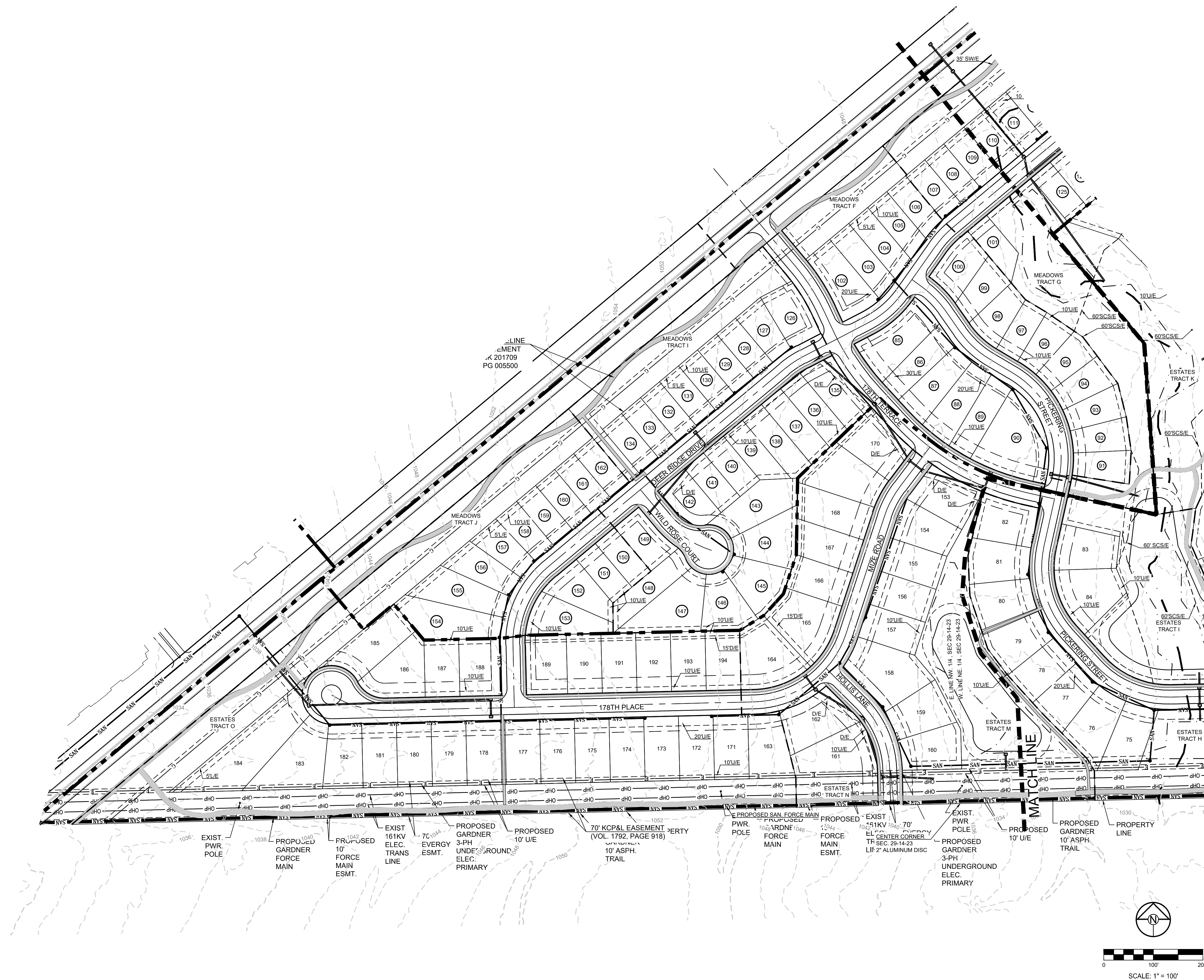
SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

REVISION DATE	DESCRIPTION
1-22-2020	CITY COMMENTS
2-12-2020	CITY COMMENTS
2-12-2020	CITY COMMENTS
3-4-2020	CITY COMMENTS
DATE PREPARED:	01/10/20
PROJ. NUMBER:	18-236

DRAWN BY:	A/C
CHECKED BY:	WAB
DATE PREPARED:	01/10/20
PROJ. NUMBER:	18-236

PEDESTRIAN PLAN



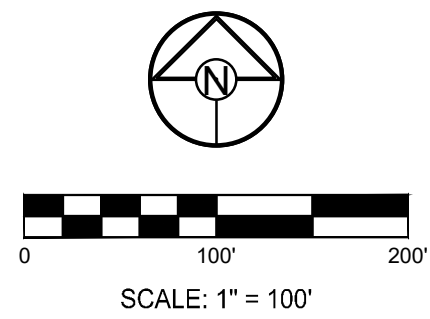
PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

[illegible]



Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

Re: **City of Gardner Applications: Z-20-01 (PDP-20-01), Rezoning** approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (Planned Single Family Residential, approximately 88.2 acres) and RP-2 (Planned Two-Family Residential, approximately 48.1 acres) and associated **Preliminary Development Plan** for Prairie Trace; and **PP-20-01, Preliminary plat** 356 single-family lots for Prairie Trace; and **Z-20-01, Rezoning** approximately 31.9 acres from County PRB2 and PEC-3 to City of Gardner District R-3; and **Z-20-03, Rezoning** approximately 100.4 acres from County PRB2 and PEC-3 to City of Gardner District C-3; on properties are located southwest of 175th Street and Clare Road.

Thank you for forwarding the application information and proposed plans for the above referenced development. The subject properties are located within 1 mile of the New Century AirCenter. Pursuant to K.S.A. 3-307e, any changes in existing city zoning must have the approval of the Board of County Commissioners of Johnson County, Kansas (BOCC), to be valid and effective.

The following are preliminary comments from the Johnson County Planning staff and Airport staff for the subject applications and may not necessarily reflect the official views or comments of the BOCC:

1. Preliminary development plans or conceptual plans should be reviewed and approved with the proposed rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the New Century AirCenter (NCAC) Comprehensive Compatibility Plan. The proposed rezonings for the C-3 and R-3 districts do not include preliminary development plans as typically required for County review of applications within one mile of the airports. Staff supports the proposed rezonings with the appropriate plans and restrictions in accordance with the New Century AirCenter Compatibility Plan.
2. If preliminary development plans are not included with the rezoning applications, staff would recommend that conditions be included in the respective zoning ordinances as noted below in comments #6-20.
3. The New Century AirCenter Future Land Use Map (attached) identifies the following recommended land uses for the subject property:
 - Airport Industrial Park
 - General Commercial
 - Low Density Residential (Maximum 3 dwelling units/acre)
 - Medium Density Residential (5-12.5 units/acre)
4. The proposed R-3 and C-3 zoning and part of the RP-2 zoning represent a change in use according to the NCAC Future Land Use Map since these areas are identified as Airport Industrial Park. This land use category is intended for areas located near the airport and is recommended for low density offices, warehouses or businesses related to airport operations.

5. The western 125 feet of the R-3 and C-3 zoning boundaries are located within the Primary Flight Corridor Subarea C (see attached AIMS maps). Land areas adjacent to and within the Primary Flight Corridor are generally planned for commercial and industrial uses.
6. All commercial and residential buildings shall be located completely out of the Primary Flight Corridor that overlays the western edge of the R-3 and C-3 zoning boundaries.
7. To offset the proposed change from Airport Industrial Park uses to multi-family residential development, careful site design should be considered to maximize open space areas and locate buildings as far as possible from the Primary Flight Corridor and reduce densities of development closest to the Primary Flight Corridor.
8. Open space areas should be provided adjacent to the Primary Flight Corridor for safety purposes with areas at least 75 feet wide, at least ½ acre in size, extended along the entire length of the flight corridor. The open space areas should be free of abrupt elevation changes and objects such structures, overhead lines, large trees and light poles.
9. Permanent water features or drainage areas shall not be located within the R-3 and C-3 properties closest to the primary flight corridor. Any water features in the RP-1 and RP-2 areas should be limited to only those areas necessary for required open stormwater drainage.
10. The maximum density of multi-family residential development shall be 12.5 units per acre of gross land area for the R-3 zoning area.
11. The maximum density of single family residential development shall be 3 dwelling units per acre of gross land area for RP-1 and RP-2 zoning.
12. Commercial land uses should be compatible with airport operations and any use that compromises the efficient and safe operation of the airport shall be prohibited according to the Land Use Restrictions identified in Chapter 3, Section 4, of the NCAC Comprehensive Compatibility Plan.
13. Single land uses that attract crowds in excess of 500 persons at any one time (such as hospitals, schools, theaters, arenas, and the like,) or concentrates persons who are unable to respond to emergency situations (such as day care establishments, nursing homes and elderly care or special care facilities), will need to be evaluated carefully for airport compatibility due to the large concentration of persons at such facilities.
14. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
15. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
16. Acknowledgment of Noise Impact area, and noise attenuation/sound proofing construction standards should be considered for all development located within the boundaries of the NCAC Airport Interest Area.
17. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.

Planning, Development & Codes

18. Preliminary and final site development plans must be reviewed and approved by the BOCC for all subject properties in accordance with the NCAC Comprehensive Compatibility Plan.
19. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.
20. Any city ordinances approving the rezonings should include a provision indicating that the rezonings shall not be effective unless and until approved by the Board of County Commissioners.

At the conclusion of the city's actions on these applications, all relevant information and documents which were considered by the city regarding the applications, should be forwarded to the BOCC, in care of Sean Pendley, Johnson County Planning Department, 111 S. Cherry, Suite 2000, Olathe, Kansas, 66061. Thereafter, the Airport Commission will consider the applications and provide a recommendation to the BOCC. Finally, the BOCC will review the proposed requests and all information submitted for the record and render its decision on the applications.

Please note, if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, then county staff anticipates recommending that the Board grant conditional zoning approval, made subject to subsequent compliance with the above-referenced conditions.

If you have any questions concerning these comments, please contact me at (913) 715-2205. Thank you for your cooperation in this matter.

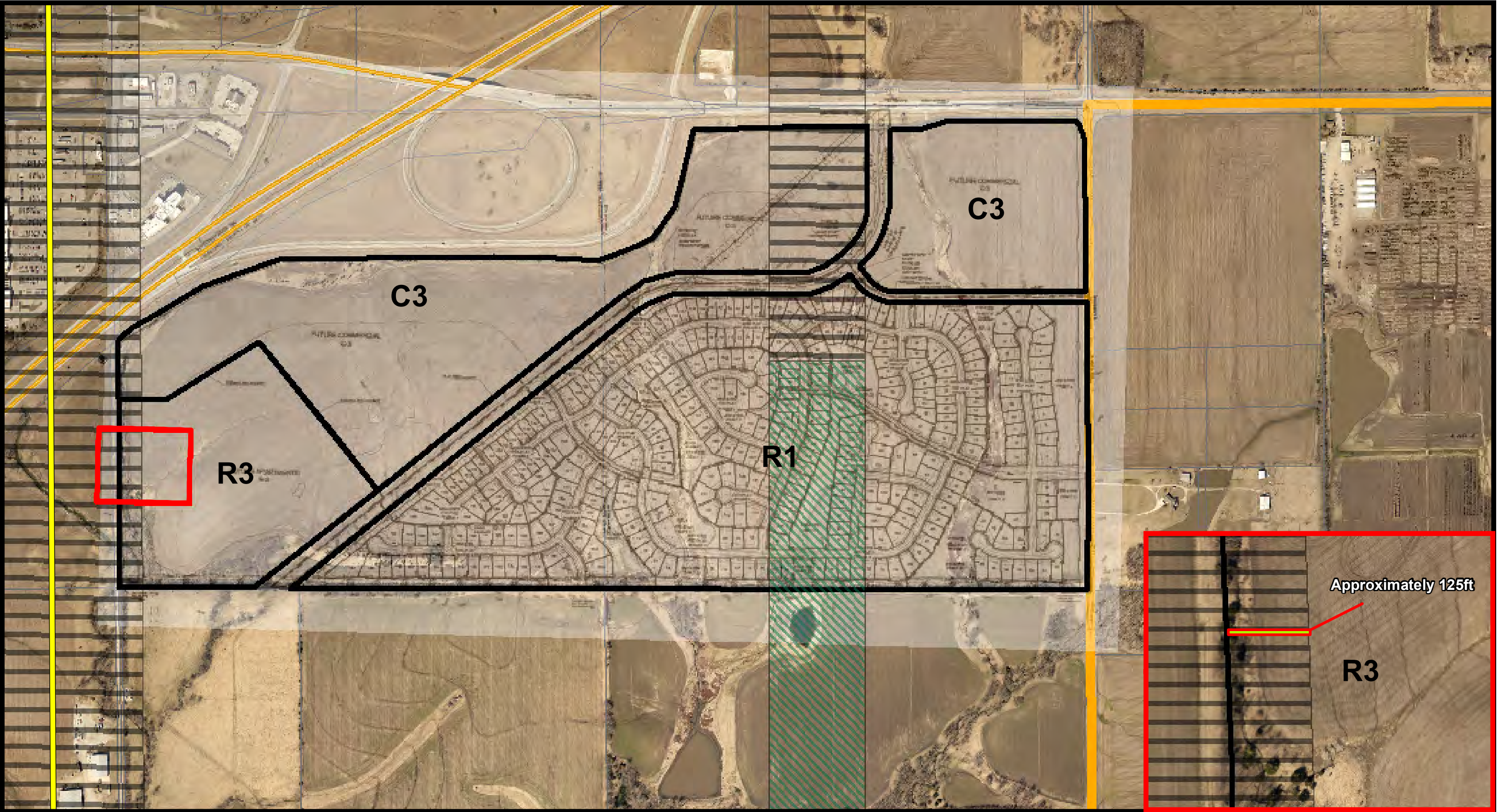
Respectfully,



Sean Pendley, AICP
Deputy Director of Planning

Cc: Aaron Otto, Johnson County Airport Commission
Larry Peet, Johnson County Airport Commission
Jay Leipzig, Johnson County Planning
Richard Lind, Johnson County Legal

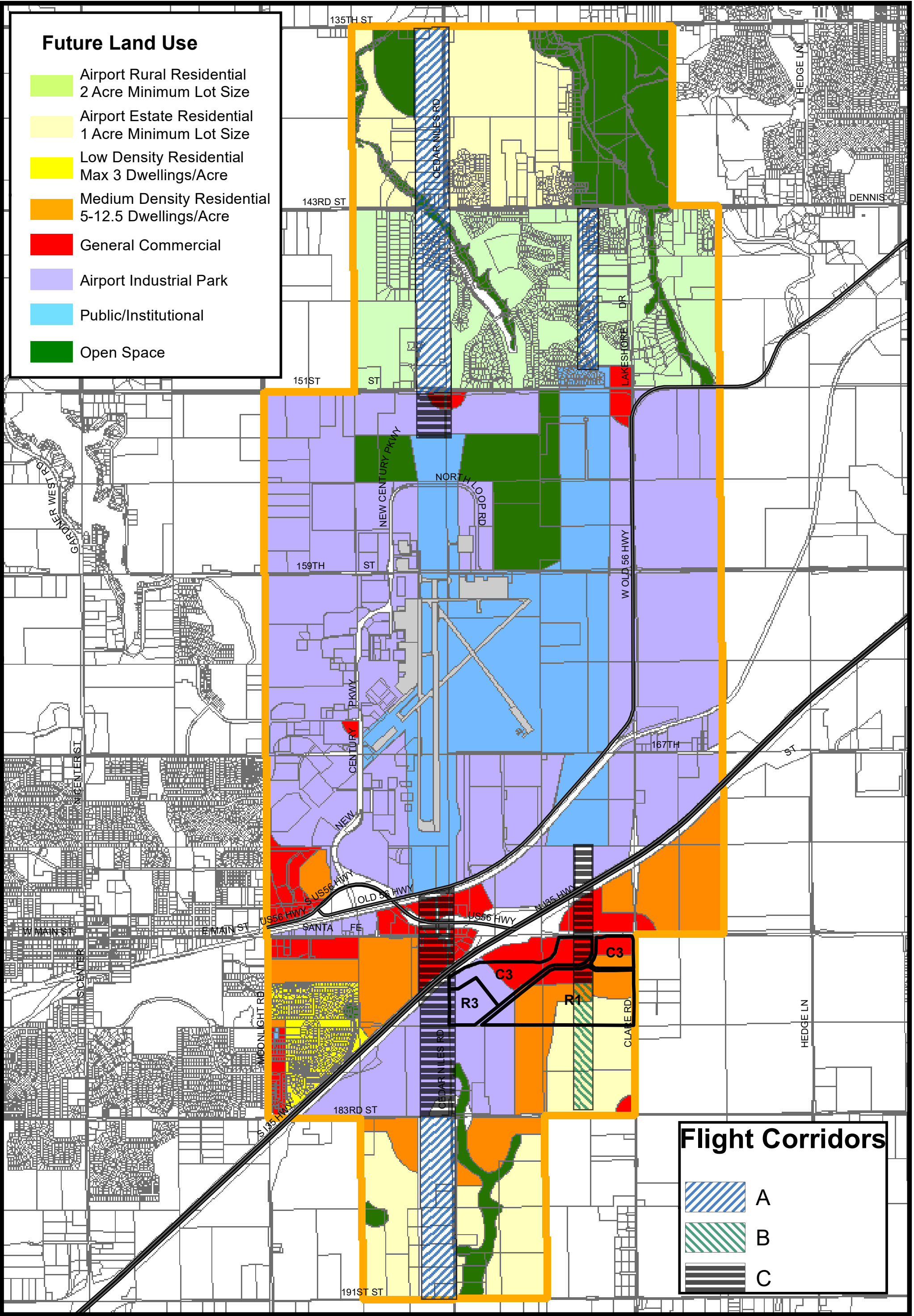
Prarie Trace (Proposed)



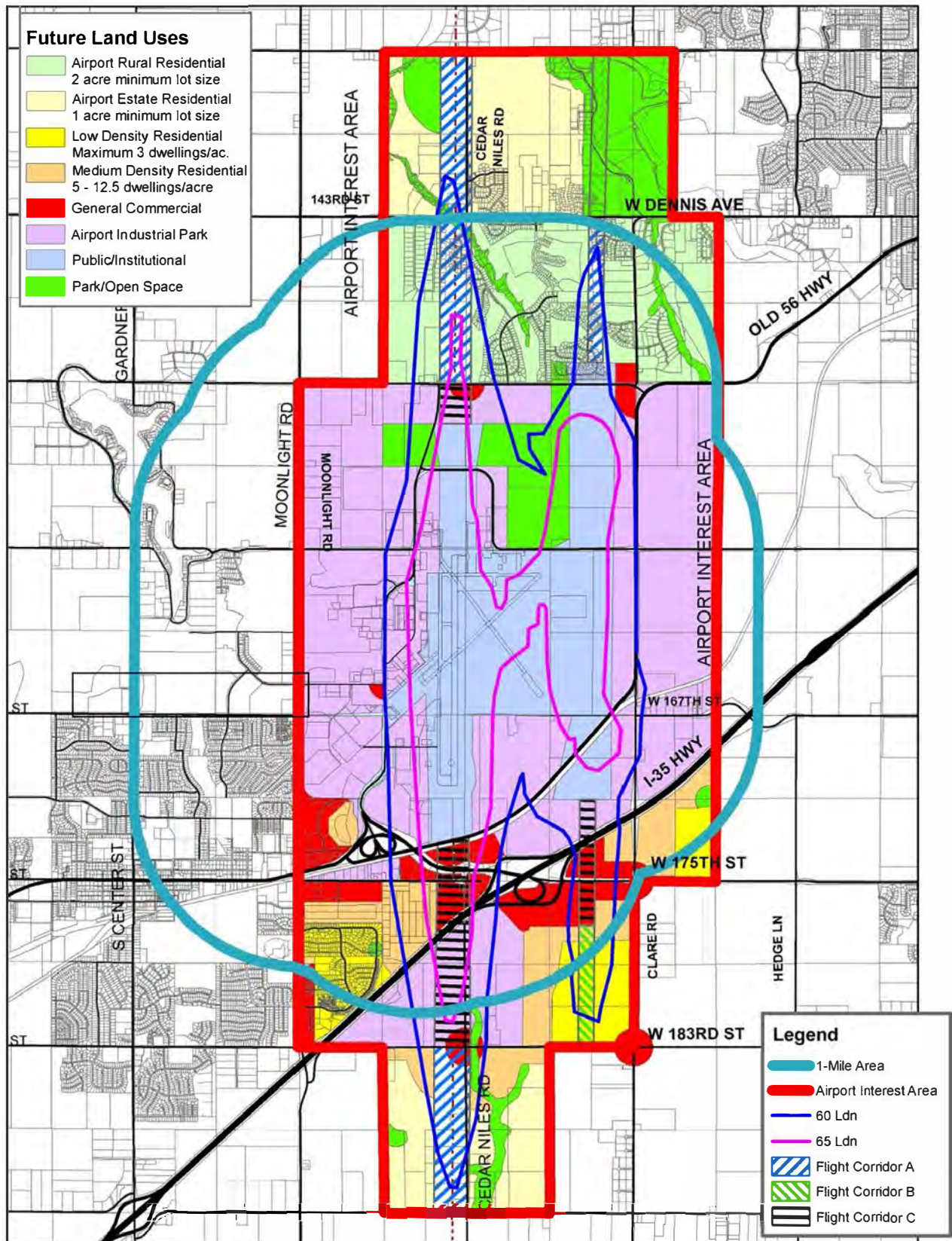
NCAC Centerline

0 0.175 0.35 0.7 Miles

New Century Airport



0 0.5 1 2 Miles



REPLICA OF NCAC FUTURE LAND USE MAP

0 0.5 1 2 Miles



EXCERPT OF PLANNING COMMISSION MEETING MINUTES

CITY OF GARDNER, KANSAS

Tuesday, March 24, 2020

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:05 p.m. on Tuesday, March 24, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner McNeer
Commissioner Meder
Commissioner Simmons-Lee

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Ryan Denk, City Attorney (via phone)

There were three members of the public in attendance.

CONSENT AGENDA

2. Approval of the minutes as written for the meeting on February 25, 2020.

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

REGULAR AGENDA

2. **PRAIRIE TRACE**

Located southeast corner of W 175th Street and Interstate 35

- a. **Z-20-03:** Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 and PEC3 Districts to City of Gardner District C-3.
- b. **Z-20-02:** Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 and PEC3 Districts to City of Gardner District R-3.
- c. **Z-20-01(PDP-20-01):** Hold a public hearing and consider a rezoning of approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace.
- d. **PP-20-01:** Consider a preliminary plat 356 single-family lots for Prairie Trace.

Mr. Larry Powell, Director of Business & Economic Development, presented **Z-20-01 (PDP-20-01)**, a rezoning and preliminary development plan for Prairie Trace. The parcel is currently zoned County RUR (Rural residential), PRB2 (Planned Neighborhood Retail Business), and PEC3 (Planned light industrial) and is proposed for Planned single-family and two-family residential with a development plan identifying single-family building types. He gave an overview of the history of the site, existing utilities and its consistency with the Comprehensive Plan. Staff finds the proposed zoning and potential uses are consistent with nearby properties but the property is not suitable for the current zoning as it holds County zoning within the City. This rezoning will not detrimentally affect nearby property. No development could occur without a rezoning. The requested zoning is consistent with various goals and policies of the Comprehensive Plan and the project will require the expansion of utilities to the east side of the interstate which will support more development.

The preliminary development plan contains the Estates on 94 acres with 194 lots and the Meadows on 42 acres with 162 lots. This includes 20 acres of greenway/trail and open area. New Trails Parkway will be constructed as part of Phase 1 of the Meadows from 175th Street to around the first curve to where the street turns south. Also in Phase 1, 178th Street will be constructed past Houston Street. Staff finds the plan reflects generally accepted planning and urban design principles, and supports various goals and policies of the Comprehensive Plan. The benefits from the flexibility in the standards proposed promote the public health, safety and welfare of the community by preserving wetland and stream areas and extending City utility services to the area for future development.

Mr. Powell explained the proposed deviations by stating the standards, the applicant's proposal to each deviation and the staff comment for each. These are summarized below:

1. Section 17.04.010(C.3) Typical Cross Sections – Local Neighborhood street
Standard: 5' sidewalk on both sides of the street
Proposed: 5' sidewalks on one side of the street or adjacent to a trail
Staff Comment: Staff felt this proposal met the intent of pedestrian connectivity and supported this deviation.
2. Section 17.07.020 Table 7-2 Detached House-Suburban; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House-Suburban; Minimum Rear Setback (Estates)
Standard: 25'
Proposed: 20" adjacent to open space
Staff Comment: Staff supported this deviation on all Estate lots except Lots 28,

39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 which shall meet the 25' rear yard setback minimum.

3. Section 17.07.020 Table 7-2 Detached House-Suburban; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House-Suburban; Building Coverage (Estates)
Standard: 30%
Proposed: 40% adjacent to open space
Staff Comment: Staff supported this deviation on all Estate lots except Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 which shall meet the 30% building coverage maximum.
4. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width (Estates)
Standard: 15%; 20' max
Proposed: 30%; 20' max
Staff Comment: The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Greenspace provides for the softening of the area from the pavement, less heat from the pavement and a more inviting space. The access and hardscape allocations are calculations that go together to help create an inviting public realm. Staff recommended the Planning Commission discuss this deviation.
5. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation (Estates)
Standard: 5%-20%
Staff Comment: 37% on rectangle lots; 49% on cul-de-sac lots
Result: The hardscape allocation provides for up to a certain amount of hardscape or pavement and a certain amount of turf or landscape in the frontage area to soften the impact of the amount of paved area in the public realm. The amount of hardscape (driveways from the property line to the house) within cul-de-sacs is more difficult to balance due to the pie shaped lots with smaller street frontages. Staff recommended the Commission to discuss this deviation.
6. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Sidewalk Connection (Estates)
Standard: 4' wide sidewalk between sidewalk and front entry feature
Proposed: 4' wide sidewalk between driveway and front entry feature
Staff Comment: Staff supported this deviation based on the proposed context of the planned development.
7. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Minimum Lot Size/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Minimum Lot Size (Meadows)
Standard: 6,000 sf
Proposed: 5,750 sf
Staff Comment: This deviation request falls within the Administrative Adjustment allowance of up to 5%. Staff supported this deviation.

8. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Minimum Rear Setback (Meadows)
Standard: 25'
Proposed: 20' on lots adjacent to open space
Staff Comment: Staff supported this deviation on all Meadows lots except Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 which shall meet the 25' rear yard setback minimum.
9. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Building Coverage (Meadows)
Standard: 40%
Proposed: 45% adjacent to open space
Staff Comment: Staff supported this deviation on all Meadows lots except Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 which shall meet the 40% building coverage maximum.
10. Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Design and Performance Standards: Garage Limits (Meadows)
Standard: 25% of façade if front loaded (Counting the garage door width only)
Proposed Standard: 40% (16' garage door width)
Staff Comment: The intent of the garage limits standard is to enhance the streetscape in areas intended for more compact and walkable development, to mitigate the effect of narrow lots with frequent repetition along the block by limiting front-loaded garage access and encouraging set back garages, or side or rear access garages. It is likely the structures will be 40' wide which calculates to 40% of the building being garage door. The Planning Commission previously discussed garage limit standards as part of a potential text amendment on the Duplex building type but not on the Detached House building types. Staff recommended the Commission discuss this deviation.
11. Section 17.07.05(C) Design Standards; Neighborhood Yard; Access Width Limits (Meadows)
Standard: 15%; 20' max
Proposed: 40%; 20' max
Staff Comment: The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Some residents look for larger driveways to offset storage in the garage, though with the smaller lots, the Code anticipates the utilization of alternatives to address the access limitations. Staff recommended the Commission discuss this deviation.
12. Section 17.07.05(C) Frontage Design, Design Standards; Neighborhood Yard; Hardscape Allocation (Meadows)
Standard: 5% - 20%
Proposed: 40% on rectangular lots, 45% on cul-de-sac lots
Staff Comment: The hardscape percentage has a similar intent as the access width limit and they work together. The applicant is asking for a 20% increase on standard rectangular lots and a 25% increase on cul-de-sac lots to accommodate the larger driveway as requested in the previous deviation. A cul-de-sac lot has

an irregular shaped front yard and more road surface in front than a lot on a standard 50' wide street would have which can have a substantial impact on that area. Staff recommended the Commission discuss this deviation.

13. Section 17.07.05(C) Frontage Design, Design Standards; Neighborhood Yard; Sidewalk Connection (Meadows)

Standard: 4' wide sidewalk between sidewalk and front entry feature

Proposed: 4' wide sidewalk between driveway and front entry feature

Staff Comment: Staff supported this deviation.

Mr. Powell concluded his presentation by inviting the Commission to discuss the deviations above that staff had requested of them, these being numbers 4, 5, 10, 11, and 12. Staff recommended approval of the rezoning and associated preliminary development plan with conditions.

Mr. Shram, Grata Development and applicant, spoke via video conferencing, presented the project as a whole entity rather than by rezoning areas for the Commission. He described the problems with the site as no access, the 66' easement for the gas line, a flight corridor and the wetlands through the project area. One of the major rear yard setback issues was to stay clear of these wetlands because of high mitigation costs and runoff issues. The commercial area is referred to as New Trails, multi-family residential is Prairie Forge and single-family residential is Prairie Trace, comprised of the Estates and the Meadows. He described the challenges of bringing utilities to the site and working with two different gas companies.

He said the reason for the large number of deviations was due to the co-mingling of two different project types, these being the narrow villas-style lots and traditional single-family lots. The same street type was used for both which dictated the same yard type. He explained they work with many builders and try to determine what these builders may construct and take the biggest house and put it on the most restrictive lot. He wanted to get all possible deviation requests before the Commission now rather than once construction began. He showed a typical Estates residence on a cul-de-sac lot and described the need for deviations. Boulder Creek, his development at 167th St and Murlen is the same type of project he wants to build in Gardner. The Meadows consists of the intermingling of different products and therefore had several deviations. The concept being requested in Gardner is 50' lots with two-car, front-facing garages. He showed examples of local subdivisions that used this same concept successfully. His market studies have shown that rear loading and side loading garages were not preferable to buyers. He cited developments in Gardner with frontage hardscapes exceeding the 40% maximum and reiterated the popularity of the product he presented.

COMMISSION DISCUSSION

Commissioner McNeer asked Mr. Schram if he was using the 50' lot width to get more lots per acre to help offset the expense of the development. He wanted to know if expense, price point, features and lifestyle were the goals.

Mr. Schram replied they were trying to create two distinct price points and wanted a

different kind of feel for the area. Buffering would be needed from the retail and he did not want to do duplexes since there were already several in Gardner. He was rezoning as R-2 but putting in single-family housing with lower lot prices to keep prices down to the mid-to-high \$200,000's. The amenities would be in Phase I to serve both housing price points.

Commissioner McNeer asked if the 20' drive width on both the Estates and Meadows lots was driven by market demand.

Mr. Schram said 50' lot widths leave 7.5 feet on the driveway which is not wide enough. The market wants a 2-car garage and sharing a drive is a definite market obstacle.

Chairman Boden asked Mr. Schram if he was in agreement where staff wanted lots removed from some of the deviations or if he wanted deviations to be standard throughout the development. He referred to the deviation for the lots that did not meet the 50% requirement of being adjacent to open space and the lots that did not have enough open space behind them.

Mr. Schram replied he went through them lot by lot and some were exceptionally deep. They were not the most desirable lots being that that are internal so they would not have the biggest houses on them. He said he felt like he had pushed city staff on the lots to get as far as he had gotten and was willing to concede those lots.

Commissioner McNeer had a question regarding the 20' versus the 25' rear setback on lots that adjoin to the green space. He asked if the extra 5' was needed to fit the house footprint onto the lots.

Mr. Schram answered that it was. He takes the deepest house and puts it onto the shallowest lot to see if it could work and tries the scenarios with all of the lots. Also, covered porches are a popular feature and that is also considered in the depth of the house. Driving lots into the wetlands would mean mitigating them and add expense.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by Hansen and seconded by McNeer.

Motion passed 7-0.

COMMISSION DISCUSSION

Commissioner McNeer asked where the reduced frontages and driveways originated in the LDC.

Mr. Powell replied the process began about four years ago in the drafting of the Land Development Code and the City was looking for ways to create the secondary market of housing. It was felt this type of development could set Gardner apart. It was reviewed by

developers, real estate people, the public, and staff. It was a massive undertaking. It was well vetted by the time it made its way to the Council for adoption. Like all living documents, as things change they get reviewed with the opportunity to tweak and change them.

Commissioner McNeer asked what it would take to make changes to the LDC.

Mr. Powell replied tonight was to approve the deviations that have been requested. To change the Code, the items would be looked at on a piece by piece basis and determine the changes needed. The deviations requested on this project would only affect this project and no other. If other developers wanted changes and it was determined changes were needed to the Code, the City would go through the process to change the LDC. However, most properties will not have the issues as this particular piece of land.

Commissioner Meder was involved with the writing of the LDC and commented on the long process. She said she would not want to choose items willy-nilly to change in the Code and go through that process again. If a developer needs some changes they can go through the deviation process.

Commissioner Hansen and Chairman Boden discussed driveway widths and the deviations for clarification.

Motion made after review of applications Z-20-01, a rezoning for 136 acres from County RUR, PRB2 and PEC3 to RP-1 and RP-2 located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan PDP-20-01 for Prairie Trace and dated March 2, 2020, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. Label the following tracts and add the size in the summary tables
 1. Trail tract between Estates Lot 177 and Lot 178.
 2. Trail tract between Estates Lot 79 and Lot 80.
2. Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.
3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.
4. Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.
5. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.
6. Provide a written agreement that KCP&L/Evergy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.

9. **Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.**
10. **Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.**
11. **Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.**
12. **Revise the deviation requests on the first three pages of the plan to reflect what has been approved.**
13. **Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.**
14. **Revise the right-of-way for 177th Street to be at least 80' in width.**
15. **Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.**
16. **The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.**
17. **Accept Deviation 4 Section 17.07.05(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width for the Estates to be 30% maximum width and a 20' maximum at the right-of-way.**

Ms. Leininger clarified with Mr. Schram that Deviation 4 for the Access Width for the Estates residential development would be as proposed at 30% for the lot width 20' maximum width at the right-of-way line.

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS ITEM No. 2C

MEETING DATE: MARCH 24, 2020

PREPARED BY: MICHELLE LEININGER, AICP, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: Z-20-01(PDP-20-01): Rezoning from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 and RP-2 and associated preliminary development plan for Prairie Trace

PROCESS INFORMATION

Type of Request: Rezoning and Preliminary Development Plan

Date Received: January 10, 2020

APPLICATION INFORMATION

Applicant: Schlager & Associates, P.A. (Daniel Foster)

Owner: Day3 LLC (Grata Development)

Parcel ID: A portion of 2F231429-3001; 2F231429-1001

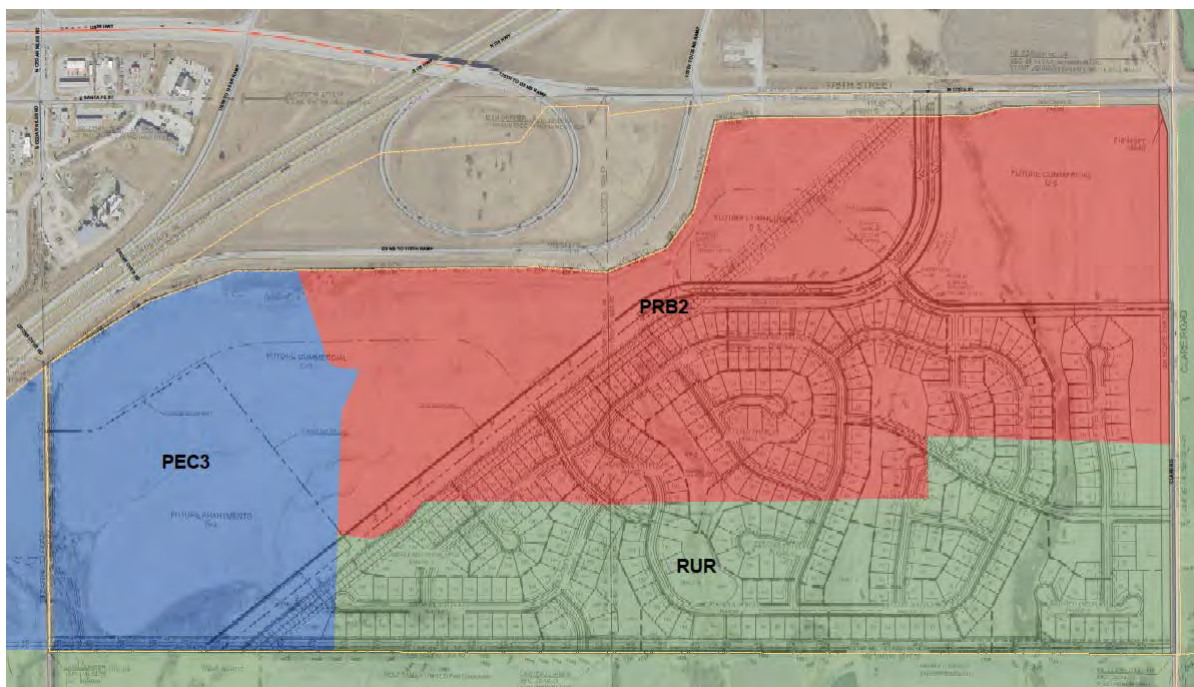
Location: Southeast corner of Interstate 35 and 175th Street

REQUESTED ACTION

The applicant is requesting approval of a rezoning from County RUR, PRB2 and PEC3 Districts to City of Gardner RP-1 and RP-2 Districts containing 88.21 acres and 48.08 acres respectively. Additionally the applicant is requesting approval of an associated preliminary development plan for Prairie Trace containing 356 single-family dwelling units a pool and clubhouse facility and various tracts, all containing 136.05 acres.

EXISTING ZONING AND LAND USE

Currently the properties are zoned County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts. The properties are currently cultivated for row crops.



SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
M-1 (Restricted Industrial) District	Vacant
CP-2 (Planned General Commercial) District	Row crops
C-3 (Heavy Commercial) District [northwest]	I-35 ROW, Hotel, retail, restaurant uses
East of subject property	
County RUR (Rural, Agriculture) District	Row crops, homestead
South of subject property	
County RUR (Rural, Agriculture) District	Row crops
West of subject property	
County PEC3 (Planned Light Industrial) District	Row crops
CP-2 (Planned General Commercial) District [northwest]	Retail

EXISTING CONDITIONS

These properties were annexed into the City on September 3, 2019 per Ordinance 2622. The properties are two parcels located along Interstate 35, at the southeast corner of the I-35 and 175th Street with city limits bordering to the north and northwest sides of the property. Currently the property is unplatted and farmed with row crops and zoned with County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts. The site also contains two small creeks/wetlands that drain to the south. Currently no utilities serve this site however there is a large Southern Star gas pipeline (yellow line on map) that bisects the property which includes a 66' easement around the pipeline. Also along the southern boundary, Evergy has electric transmission lines (red lines on map) with a 70' easement surrounding the lines. These two areas are no build areas.

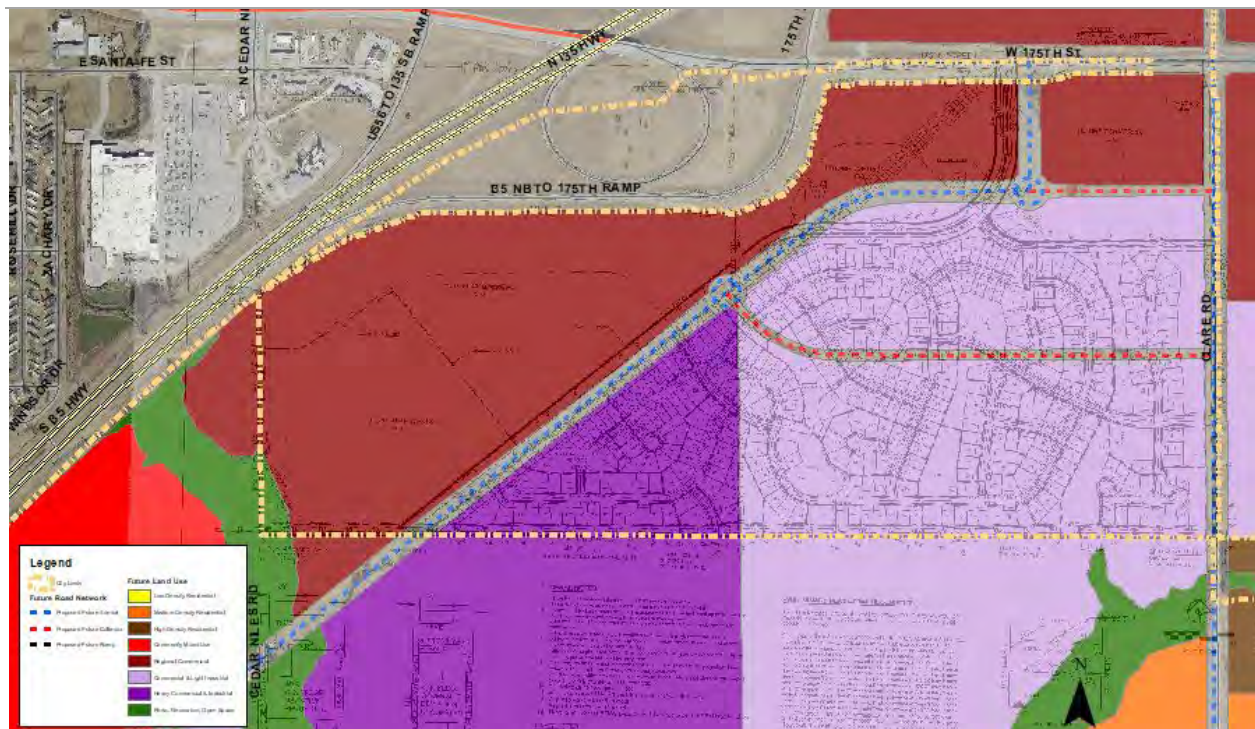


BACKGROUND / HISTORY

The properties were zoned RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts in the County and annexed into the City as such in September 2019. The subject properties are part of a larger development project that includes the single-family planned district, multi-family residential and commercial. The single-family portion is what is included in this application.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two area plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized for the future land use in that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), and Heavy Commercial and Industrial (dark purple) future land uses on the picture below. The portion of the properties subject to this rezoning and preliminary development plan are identified for Commercial and Light Industrial and Heavy Commercial and Industrial.



Since the adoption of the Plan, the property owner's concept has changed to include Regional Commercial on the north and northwest, multi-family on the west and single-family within the subject area. This is due to market demand for the industrial warehouse and the need for residential development changing. Industrial warehouse is tending to locate near other existing similar uses further south along I-35. The residential will help to support the commercial development by providing goods and services to the area. While the Future Land Use map is not consistent with the proposed project, there are policies within the Plan that support residential development related to the proposed development.

In the *I-35 & 175th Street Subarea Plan*, the following Goals support the proposed project:

- *Goal 5: Protect and respect the natural systems currently in place and expand the natural and recreational facilities with development.*

The subject properties contain 2 designated stream/wetlands areas and the applicant is providing detention and open space in the majority of the areas around these stream/wetlands.

Additionally the following Policies support the proposed project:

- *General*
 - *Pedestrian friendly connectivity between land uses and properties should be incorporated.*

The applicant has provided pedestrian trails and sidewalks around and through the development which extend to the outside for future continuation to adjacent properties.

- *Residential Land Uses*

While the property is not identified for residential land use, the application proposes residential land use and therefore the following apply:

- *Residential uses shall maintain a “back-to-back” relationship to more intense uses.*

The proposal provides for residential lots to back to the proposed arterial with the more intensive land uses on the other side.

- *Residential streets shall be extended to undeveloped property and shall use a grid or modified grid pattern.*

The proposal provides for future street connections to the south.

- *Public Facility/Parks, Recreation, Open Space Land Uses*

- *Open space areas should be provided and/or acquired along major thoroughfares and along drainage ways for development of pedestrian and bicycle trails.*

The proposal provides for trails along New Trails Parkway, within the electric easement along the southern property line, and along a drainage way.

- *Trail facilities shall be expanded and connected through all uses in the planning area.*

As noted above, the proposal is providing for this and will be required to be expanded to remainder of the development in the future.

Additionally the project meets policies within the New Residential Growth Areas. While this area is not identified for residential growth, it meets the following policies:

- *Connectivity:*
 - *Require pedestrian connections to adjacent streets and neighborhoods at the terminus of all new cul-de-sacs.*
- *Open Space Preservation & Conservation Design*
 - *Integrate stormwater detention areas and corridors in order to effectively mitigate the impacts of flooding.*
 - *Require trails, useful open spaces, and parks throughout new development areas through dedications and easements set aside as part of the development review process.*
 - *Utilize environmental features, topography, and natural areas, to guide development, and shape the potential development area of residential sites.*

STAFF ANALYSIS – ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;

Staff Comment: *The site is rural in nature as are the adjacent properties, and is currently used for cultivated crops. 175th Street abuts the property to the north which is a 2 lane paved arterial road. To the west is Interstate 35, and the subject properties do not have direct access to the interstate. Clare Road abuts the property to the east and Clare is a 2 lane paved arterial road. The subject property contains two wetland areas, a 66' gas pipeline easement and 70' electrical easement. There are no structures on the property and the only structure nearby is a single-family farmstead to the east.*

2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;

Staff Comment: *The zoning of the nearby properties are mainly RUR District which is a County rural residential district. The properties to the north and across I-35 are zoned for commercial, though only the property across the interstate is developed with commercial uses. The property to the west is zoned for planned industrial in the County though it is undeveloped. The majority of the surrounding properties are cultivated with either row crops or hay or contain open space. One residence is located just to the east of the subject property. The proposed rezoning to accommodate single-family residential uses would be compatible with the surrounding uses as would the proposed RP-1 and RP-2 Districts.*

3. The suitability of the subject property for the uses to which it has been restricted;

Staff Comment: *The property is currently zoned with County zoning districts though it is within the City limits. This occurs when property is annexed and it remains County zoning until the request is made to change. Properties within the City cannot develop with County zoning and need to request City zoning. The portion of property in question is mainly zoned for rural residential which is a limited type of development within the City. The property as it is zoned today is in a transitional phase – while the ground may be suitable for the district for which it's zoned, it can't be developed because it's not City zoning. Having single-family residential adjacent to proposed commercial and within proximity of the interstate interchange also are appropriate.*

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

Staff Comment: *The removal of the current restrictions will not detrimentally affect nearby properties as the subject properties are not developable as they are currently zoned with County zoning designations within the City. The proposed zoning is less intense than the commercial and industrial zoning in the County but more intense than the rural zoning. The I-35 & 175th Street Subarea Plan anticipated warehouse and light industrial uses in this location and the proposed single-family residential is less intensive than originally planned. This will have a lesser impact on the nearby properties.*

5. The length of time the subject property has remained vacant as zoned;

Staff Comment: *The subject property has never been developed.*

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

Staff Comment: *The relative gain by the current restrictions on the applicant's property is very little as compared to the greater hardship imposed by such restrictions upon the property. The property cannot be developed as zoned as the properties hold County zoning designations. The property can remain to be cultivated but that economic gain is very small compared to if it is rezoned in order to be developed. Additionally the development will bring City utilities to the other side of the interstate and allow for additional development in the area.*

7. The recommendations of professional staff;

Staff Comment: *Staff recommends approval of the rezoning.*

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: *The proposed change is not consistent with the future land use map designations, however the proposal is supported by various goals and policies as stated above. The intent statements for the R-1, R-2 and Planned Zoning Districts are as follows:*

- *R-1 District: “The Single-Family Residential District provides residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used in the contemporary neighborhoods of the residential area plans, or in association with the planned zoning process or other complementary residential zoning districts to implement development patterns identified in the new growth areas.”*
- *R-2 District: “The Two-Family Residential District provides residential living in a moderate-density residential setting, providing a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods.”*
- *Planned Zoning Districts: “The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:*
 - 1. Preservation of distinct natural features on the land and integration of them into amenities for the project.*
 - 2. Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.*
 - 3. Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.*
 - 4. Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.*
 - 5. Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.*

In the Gardner Comprehensive Plan, the Low Density Residential Land Use Category is described as: “Low Density Residential areas primarily consists of detached single family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single family homes. Housing is typically arranged on a local street grid, or as part of a subdivision, and may include local amenities such as small community or civic buildings, playgrounds or gardens that serve residents.”

This project would be between 2-4 dwelling units per acre gross across the development and about 3-5.5 dwelling units net across the development. Typically about 7-8 dwelling units per acre is the top of what would be considered low-density. The Low Density Land Use Category is consistent with this range and are in character with a typical single-family home subdivision although part of it, the PR-2 District is proposed to have smaller lots. The development will have local amenities including trails and a pool/clubhouse facility.

9. *The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and*

Staff Comment: *This project would require extension of City utilities to the other side of the interstate. This will allow for the expansion of the necessary capacity of utilities.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: *None.*

STAFF ANALYSIS - PRELIMINARY DEVELOPMENT PLAN

The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:

1. Preservation of distinct natural features on the land and integration of them into amenities for the project.
2. Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.
3. Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.
4. Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.
5. Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.

Departures from the standards associated with all zoning districts may be considered through planned zoning, and approved provided they are based upon a comprehensive and well-integrated development plan for the area. These departures shall not be justified for simply wanting flexibility or deviations from standards based upon a site plan.

A preliminary development plan represents an overall plan for a development to include the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan. This plan shall have a particular emphasis on how these elements relate to the public realm plan and where transitions between these elements occur at a parcel or block scale, both within the development and in coordination with abutting property. The development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of this Code.

A final development plan provides specific details of the portion or entirety of the approved preliminary development plan. This includes elevations, building materials, landscaping and other specific details. The final development plan has the same review criteria as a site plan.

Project Overview

The proposed project is for two types of development, the 'Estates' which is a 194 lot, standard single-family suburban subdivision, and the 'Meadows' which is a 162 smaller lot, single-family subdivision. Included within the subdivision are many areas of open space, walking trails and a proposed pool and clubhouse facility.

17.03.040 (C) Review Criteria:

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practice.

Staff Comment: *The Comprehensive Plan identifies the subject property for industrial and commercial uses however, as stated above, changes circumstances for this area and other goals and policies can support the land use change. The subject property has many influences that impact the layout including a 66' wide high pressure gas line along the west, a 70' electric easement along the south and two wetland areas. The project could have utilized the RP-3 District with the Detached House - Compact Building Type to better meet the base standards for the 'Meadows' area and reduce the number of deviations being requested. The applicant did not wish to rezone to the RP-3 District. As proposed, the application provides for increased lot coverage (building and hardscape), offset by open space and pedestrian amenities. The applicant has proposed a more typical "suburban" home design consistent with what they have utilized elsewhere, that they believe will better accommodate reasonably priced housing for people who wish to downsize in their later years. Although the project does not achieve the design intent of the LDC for walkable neighborhoods by utilizing less prominent, front-loaded garages and reduced front paving, the project does provide for extensive recreational walking opportunities throughout the development, and a future benefit for residents who may be able to walk to access adjacent commercial goods and services.*

2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular of the areas immediately near or within the proposed project, and are not strictly to benefit the applicant.

Staff Comment: *The benefits from the flexibility in the standards proposed promote the public health, safety and welfare of the community by preserving wetland and stream areas and extending City utility services to the area for future development. These things benefit both the applicant and the surrounding properties.*

3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.

Staff Comment: *The intent statement of the Single-Family Residential District provides residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used in the contemporary neighborhoods of the residential area plans, or in association with the planned zoning process or other complementary residential zoning districts to implement development patterns identified in the new growth areas.*

The Two-Family Residential District provides residential living in a moderate-density residential setting, providing a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods.

The project provides for both Single-Family R-1 and Two-Family R-2 Planned Districts though the proposal utilizes the Detached House – Suburban and Detached House – Neighborhood Building Types which are both single-family type structures. The project benefits from the flexibility of the standards paired with a large amount of open space area. These homes will have access to nearby commercial to the north, when developed. The overall project density is consistent with low-density development.

Something to note, 13 deviations have been requested and are discussed below. The applicant has not requested a lot width deviation for 'Meadows' lots however it appears that there are six

lots that do not meet the minimum 50' lot width when measured at the front lot line or when measured at the building setback line for irregular lots. These lots include 'Meadows' Lots 149, and 154-158. Revising these lots to meet the minimum lot width will be a condition of approval.

4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the Comprehensive Plan and any specific plans to the area;

Staff Comment: *The plan reflects generally accepted planning and urban design principles by preserving and protecting wetland and stream areas and utilizing the utility easements that are undevelopable to provide pedestrian trails and connectivity throughout the development.*

5. The plan meets all of the review criteria for a zoning map amendment.

Staff Comment: *The plan generally meets the review criteria for a zoning map amendment. The proposal does not meet the future land use designated for the property however the project is supported by various goals and policies within the Plan.*

DEVIATIONS

The standards outlined below are standards from the Land Development Code that are not met. The planned district allows for departures from the standards associated with all zoning districts provided they are based upon a comprehensive and well-integrated development plan for the area. Below are the standards not met and the applicant's justification for such deviation.

Street Network and Street Design

1. Section 17.04.010(C.3) Typical Cross Sections - Local Neighborhood

Standard: 5' sidewalk on both sides of the street

Proposed: 5' sidewalks on one side of the street or adjacent to a trail

Applicant Response: *It is our desire to provide pedestrian connectivity that encourages recreational walking through out the neighborhood. Recreational walking is often done in larger groups and with children requiring strollers and other riding toys. By providing a 10' trail on the North, South and West sides of the property we are providing a 10' trail that runs for near 1.75 miles with only 4 road crossings. Internal trails provide pedestrian connectivity through the green spaces within the community. This expansive trail systems adds additional impervious system and cost to the project. As such we are requesting a deviation from the requirement of 5' sidewalks on both sides of the street. We have set forth a pedestrian plan that provides direct sidewalk access to every lot in the development either in front of the home or in the rear via the trail system. We believe this pedestrian plan supports and encourages pedestrian activity in a manner suitable to the location and style of the neighborhood.*

Staff Comment: *The Land Development Code supports pedestrian connectivity and requires sidewalks on both sides of a street. The previous Code also supported sidewalks on both sides of the street. Additionally Public Works standards requires sidewalk on both sides of the street. The applicant has proposed for each lot to either have a sidewalk along the street in front of the lot or be adjacent to either a public trail or private trail/walkway. Some streets do meet the standard of having sidewalks on both sides of the street and the others provide pass through (mid-block) pedestrian connectivity. Staff feels that this proposal meets the intent of pedestrian connectivity and supports this deviation.*

Detached House - Suburban (Estates)

2. **Section 17.07.020 Table 7-2; Detached House – Suburban; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House – Suburban; Minimum Rear Setback**

Standard: 25'

Proposed: 20'

Applicant Response: *This reduction of the rear-yard setback allows for homes with larger footprints while maintaining the natural beauty of the preserved wetlands. While extending the rear lot lines into the wetland area is possible without disturbing them it would require mitigation at the cost of \$55,000/acre. We are only asking for rear yard setback deductions on lots that are adjacent to greenspace. Other lots backing to greenspace include those backing to the Evergy easement on the Southern property line. We have worked with Evergy to obtain utility easements and an encroachment agreement for a trail through that green space. Lots that are not adjacent to green space will have the normal 25' rear yard setback. This is a practice embraced by many municipalities in an effort to promote common greenspaces.*

Staff Comment: *The applicant is requesting a 5' reduction (25' min to 20' min) in the rear setback on the 'Estates' lots that are adjacent to greenspace. By limiting this potential building increase to lots adjacent to open space (on rear or side), it offsets the impact of potential increase in building footprint. Staff has identified lots that are not adjacent to open space including lots that have less than 50% of the rear or side lot line length or lots adjacent to open space that does not have enough depth to make the intended impact. As such, the following lots in the 'Estates' area should meet the 25' minimum rear yard setback: Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194. This is 61 of the proposed 194 'Estates' lots or 31%. Staff support this deviation on all of the 'Estate' lots with the exception of the lots outline above.*

3. **Section 17.07.020 Table 7-2; Detached House – Suburban; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House – Suburban; Building Coverage**

Standard: 30%

Proposed: 40%

Applicant Response: *Strategic placement of lots around the preserved wetlands create a large expanse of natural areas to be enjoyed by multiple lots. 71% of lots in this phase back to a common green space, this creates a unique spaciousness that can be enjoyed by all rather than confining it with a lot boundary. Enlarging the lots would unnecessarily increase the cost of homes as most if not all homes will likely be built below this lot coverage. Enlargement would decrease the density and thus increase the cost. The result would be an increase in the price of the home pushing it out of market acceptance. By pushing the allowed building coverage up, we are leaving an opportunity for larger houses to be built and helping the city meet its goal of providing step-up housing for its current residents. This type of lot coverage is in line with national trends of decreased lot sizes. This request is made with respect to the largest house we think is feasible in the development being built on the smallest lot. Typically, the smaller lots are not as desirable to the customer that want the larger homes. This development only has 2 lots that are the minimum lot size.*

Staff Comment: *The applicant is asking for a 10% increase in lot coverage on the 'Estate' lots. As stated above, lots adjacent to shared open space can utilize that open space as mitigation to the reduction in lot open space. As stated in the above deviation staff comments,*

staff is recommending this reduction only apply to lots adjacent to the common open space. These lots in the 'Estates' area include Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 that will have to meet the 30% maximum lot coverage. This is 61 of the proposed 194 'Estates' lots or 31%. Staff supports this deviation on all of the 'Estate' lots with the exception of the lots outline above.

4. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width**

Standard: 15%; 20' max

Proposed: 30%; 20' max

Applicant Response: This request allows for a 20' driveway at the curb for all lots. This is standard in suburban settings. Additionally, it encourages driveway parking instead of on-street parking.

Staff Comment: The Code provides design objectives for the Frontage Design Section 17.07.050 which state:

Frontage Type design objectives establish the relationship of the building to the public realm, based upon the context, streetscape design, and the specific buildings and uses permitted on a block. The design standards for the Frontage Types have the following objectives:

1. Create transitions that allow a range of different buildings to engage the streetscape in compatible ways along a block.
2. Enhance the image of the City by coordinating streetscape investment with private lot and building investment.
3. Coordinate development across several lots, considering access, parking, landscape and civic/open space design.
4. Promote higher design amenities in areas intended for more compact and walkable development.

The Detached House - Suburban Building Type provides for the option of the Suburban Yard and Neighborhood Yard which is also dependent on the Street Type. The Suburban Yard Frontage Type would be utilized with the Standard Local Street Type and the Neighborhood Yard Frontage Type would be utilized with the Neighborhood Local Street Type. These are intended to be paired together based on the context of the development. The Standard Street Type is intended to be used with an existing context and Neighborhood Street Type is intended to be used in a new, greenfield setting in order to establish the public realm design.

In the proposed development, the Neighborhood Local Street Type is being utilized which pairs with the Neighborhood Frontage Type. This frontage type permits access width limits of 15% for the lot width and 20' maximum. For a standard 70' wide lot in the "Estates", the driveway would be permitted to be 10.5' wide within the entire frontage area. The Neighborhood Frontage Type limits the width of the drive in the entire frontage area, not just at the right-of-way as the Suburban Yard Frontage Type does, so the max width would be 20' all the way to the front building line (provided the lot is wide enough to accommodate the 20' width). This is not what the applicant has diagrammed on page 1 of the plans. The access type and design for the Suburban Frontage Type more closely meets what is shown on the plan diagrams. If the Suburban Yard Frontage Type was able to be utilized, the access limits could be 30% of the lot width and 24' maximum, applicable to the area within the right-of-way, which for a standard 70' wide lot would be 21', brought down because of the proposed max of 20'. This is not an option with the street type.

The summary table below provides calculations based on the diagrams for proposed driveway configuration on the front page of the plans. The requested deviation will need to be revised to reflect what is shown in the diagram in order to allow for the driveway to widen to 3 car garage width.

	Neighborhood Yard Frontage-standard lot	Neighborhood Yard Frontage-cul-de-sac lot
Standard	10.5' wide, 315 sf area	10.5' wide, > 315 sf area with a curve
As proposed	20' wide, 600 sf area	20' wide, 655 sf
As proposed with 3rd car "flair"	20' wide at street to approx. 38'; 777 sf area	20' wide at street to approx. 38'; 816 sf area

The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Greenspace provides for the softening of the area from the pavement, less heat from the pavement and a more inviting space. The access and hardscape allocations are calculations the go together to help create an inviting public realm. If the access limits change, the hardscape allocations need to increase to compensate for the larger driveway. It is acknowledged that some people are looking for larger driveways to offset storage in the garage. This is a balance that the Planning Commission should discuss.

5. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation**

Standard: 5%-20%

Proposed: 37% on rectangle lots; 49% on cul-de-sac lots

Applicant Response: Lots located on a cul-de-sac or a curved street often have to narrow in the front to match the curvature of the street. This shaping results in street frontages with reduced square footage. This increased hardscape percentage allows for driveways and sidewalks necessary to access these homes.

Staff Comment: The hardscape percentage has a similar intent as the access width limit and they work together. The hardscape allocation provides for up to a certain amount of hardscape or pavement and a certain amount of turf or landscape in the frontage area to soften the impact of the amount of paved area in the public realm. Staff does not include the sidewalk connection within this calculated percentage. The applicant is asking for a 17% increase on standard rectangular lots and a 29% increase on cul-de-sac lots. This accommodates the larger driveway as requested in the deviation above. A cul-de-sac lot has an irregular shaped front yard and more road surface in front than a lot on a standard 50' wide street would have, which can have a substantial impact on that area. This is a balance that the Planning Commission should discuss for both a typical and irregular shaped lot.

6. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Sidewalk Connection**

Standard: 4' wide sidewalk between sidewalk and front entry feature

Proposed: 4' wide sidewalk between driveway and front entry feature

Applicant Response: This requests allows for sidewalks to connect from the driveway to the front entryway of the home. This practice is predominantly used when the homes are featuring

rear loaded or detached garages. The return of the sidewalk allows for easy passage from the driveway to the front of the home and promotes parking in the driveway rather than on the street. Additionally it reduces the amount of impervious surface decreasing the amount of runoff. This also allows for an enhanced visual appeal by allowing for more landscaping.

Staff Comment: The intent of this standard is to promote walkability and a pedestrian-oriented framework as experienced from the public realm to the front door of the house. Often driveways are parked with cars, making it less inviting to get to the front of the house. The applicant is proposing a sidewalk from the front of the house to the driveway. Having any walkway helps to maintain that visual connection, and therefore staff supports this deviation based on the proposed context of the planned development.

Detached House - Neighborhood (Meadows)

7. Section 17.07.020 Table 7-2; Detached House – Neighborhood; Minimum Lot Size /Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Minimum Lot Size

Standard: 6,000 square feet

Proposed: 5,750 square feet

Applicant Response: This reduction of the minimum lots size allows for homes with larger footprints while maintaining the natural beauty of the preserved wetlands. By building houses on smaller lots, it allows for a value proposition that is unique to the area. Only 22 Lots of 163(13.4%) are below the 6000 sq ft. minimum.

Staff Comment: The applicant is requesting for lots of a minimum of 5,750 square feet in the 'Meadows' area of the development. This is a 4% reduction in lot area. The Code allows for Administrative Adjustments of up to 5% for altering a building standard. This falls within the built in flexibility of the code. This would apply to 41 or 25% of the 'Meadows' lots with the average lot area in this portion of the development being 7,377 square feet. Staff supports this deviation.

8. Section 17.07.020 Table 7-2; Detached House – Neighborhood; Minimum Rear Setback /Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Minimum Rear Setback

Standard: 25'

Proposed: 20' on lots adjacent to open space

Applicant Response: This reduction of the rear-yard setback allows for homes with larger footprints while maintaining the natural beauty of the preserved wetlands. While extending the rear lot lines into the wetland area is possible without disturbing them it would require mitigation at the cost of \$55,000/acre. We are only asking for rear yard setback deductions on lots that are adjacent to greenspace. Other Lots backing to greenspace include those that are backing to the Southern Star Gas pipeline. Rear lot lines could have been extended the rear lot lines into this gas easement. However, during our negotiation with Southern Star we offered to keep the easement in a continuous track to make it easier should they need to service the lines. In return, we were able to place the arterial road at the desired angle across their pipeline (40 degrees instead of their required 70 degrees); as well as obtain an encroachment agreement for the trail system running through the easement and necessary agreements for the retail space. This is a practice embraced by many municipalities to promote common greenspaces. Lenexa has allowed as few as 15' setbacks from greenspace. Lots that are not adjacent to green space will have the normal 25' rear yard setback.

Staff Comment: The applicant is requesting a 5' reduction (25' min to 20' min) in the rear setback on the 'Meadows' lots that are adjacent to greenspace. By limiting this potential building increase to lots adjacent to open space (on rear or side), it offsets the impact of potential increase in building footprint. Staff has identified lots that are not adjacent to open space as including lots that have less than 50% of the rear or side lot line length or lots adjacent to open space that does not have enough depth to make the intended impact. As such, the following lots in the 'Meadows' area should meet the 25' minimum rear yard setback: Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154. This is 69 of the proposed 162 'Meadows' lots or 43%. Staff supports this deviation of a 20' rear yard setback minimum on all of the 'Meadows' lots with the exception of the lots outline above.

9. **Section 17.07.020 Table 7-2 Detached House – Neighborhood; Building Coverage/17.07.040 Specific Building Type Standards Detached House – Neighborhood; Building Coverage**

Standard: 40%

Proposed: 45%

Applicant Response: Strategic placement of lots around the preserved wetlands create a large expanse of natural areas to be enjoyed by multiple lots. 71% of lots in this phase back to a common green space, this creates a unique spaciousness that can be enjoyed by all rather than confining it with a lot boundary. This type of lot coverage is in line with national trends of decreased lot sizes. This request is made with respect to the largest house we think is feasible in the development being built on the smallest lot. Typically, the smaller lots are not as desirable to the customer that want the larger homes. This development only has 11 lots that are the minimum lot size.

Staff Comment: The applicant is asking for a 5% increase in lot coverage on the 'Meadows' lots. As stated above, lots adjacent to shared open space can utilize that open space as mitigation to the reduction in lot open space. As stated in the above deviation staff comments, staff is recommending this reduction only apply to lots adjacent to the common open space. These lots in the 'Meadows' area include Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99-100, 120-125, 135-154 that will have to meet the 40% maximum lot coverage. This is 61 of the proposed 162 estates lots or 31%. Staff supports this deviation on all of the 'Meadows' lots with the exception of the lots outline above.

10. **Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Design and Performance Standards; Garage Limits**

Standard: 25% of facade if front loaded (Counting the garage door width only)

Proposed: 40% (16' garage door width)

Applicant Response: This modification allows for a 2-car front loaded garage that is standard in the previously discussed similar projects but prohibits a 3-car garage frontage. While in surveys consumers generally prefer an aesthetic where garage doors are not as prevalent, they are not willing to deal with the consequences of these design changes. The market has shown strong negative reactions to new home communities with detached garages, rear alleys, and shared driveways in suburban and exurban contexts.

Staff Comment: The intent of the garage limits standard is to enhance the streetscape in areas intended for more compact and walkable development, and to mitigate the effect of narrow lots with frequent repetition along the block by limiting front-loaded garage access and encouraging set back garages, or side or rear access garages. The applicant is proposing 16' wide garage doors on the minimum width of lots of 50', where it is likely that the structure will be 40' wide. This calculates to 40% of the building being garage door. The standard

allows for a maximum of a 10' wide garage door on a 50' wide lot with a 40' wide structure. Typical single garage door widths range from 8'-10' and typical double garage door widths range from 12'-18'. An option to meet the standard and provide garage space for two vehicles is a tandem garage which allows for two parking spaces, one in front of another, with the appearance of a single garage door.

The Planning Commission previously discussed Garage limit standards as part of a potential text amendment regarding garage door limits on the Duplex building type. The Commission recommended that the Governing Body change the garage limits to 30% of the facade if front-loaded. This would potentially allow one double car garage (for one unit) or two single-car garages (one for each unit) on the front of a duplex built on the minimum lot size of 70'. The Governing Body has not yet taken action this recommendation. The Planning Commission has not discussed amending garage limits for Detached House Building Types. Some of the staff findings for the duplex garage limit discussion that generally apply are:

- Problems generally only occur when a developer wishes to pair suburban building design with more compact urban lot configurations contrary to the intent of the LDC (big homes with multiple front-loaded garages on small lots).*
- When the majority of the front facade is occupied rooms and windows rather than garage, greater safety is encouraged through "eyes on the street".*
- The large front garages and accompanying driveways degrade the pedestrian realm by creating frequent, large expanses of concrete for pedestrians to cross while walking on the sidewalk and avoiding backing cars or parked cars that encroach on the sidewalk.*

A deviation from any building design standard as provided for in Administrative Adjustments would require an alternative "equal or better" solution is proposed by the applicant. No mitigating factor has been proposed. Other projects that have requested similar Administrative Adjustments for the Duplex Building Type in regard to garage limits have provided alternatives such as enhanced carriage garage doors, garage doors with windows, and increased landscaping (both dressed up doors and landscaping together) as a solution to enhance the streetscape. This could be an option, though it may not be enough to mitigate the potential of 40% of each structure to be a garage, and garages being what is mainly seen while traveling down the street. The Planning Commission should discuss these points to consider garage limit deviations on the Detached House building types as presented in this development plan.

11. Section 17.05.05(C) Design Standards; Neighborhood Yard; Access Width Limits

Standard: 15%; 20' max

Proposed: 40%; 20' max

Applicant Response: *This request allows for a 16' driveway at the curb for all lots. This is standard in suburban settings. Additionally, it encourages driveway parking instead of on-street parking.*

Staff Comment: *The Neighborhood Frontage Type permits access width limits of 15% of the lot width up to 20' maximum, which for a standard 50' wide lot in the "Meadows", the driveway would be permitted to be 7.5' wide. The Neighborhood Frontage does not allow for the width of the drive to change until the building setback line, so the max width would be 7.5' all the way to the front building line. This is not what the applicant has diagramed on page 1 of the plans.*

The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Greenspace provides for the softening of the area

from the pavement, less heat from the pavement, and a more inviting space. The access and hardscape allocations are calculations that go together to help create an inviting public realm. If the access limits change, the hardscape allocations need to increase to compensate for the larger driveway. It is acknowledged that some people are looking for larger driveways to offset storage in the garage, though with the smaller lots, the Code anticipates the utilization of alternatives to address the access limitations. This is a balance that the Planning Commission should discuss.

12. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation

Standard: 5%-20%

Proposed: 40% on rectangular lots, 45% on cul-de-sac lots

Applicant Response: *Lots located on a cul-de-sac or a curved street often have to narrow in the front to match the curvature of the street. This shaping results in street frontages with reduced square footage. This increased hardscape percentage allows for driveways and sidewalks necessary to access these homes.*

Staff Comment: *The hardscape percentage has a similar intent as the access width limit and they work together. The hardscape allocation provides for up to a certain amount of hardscape or pavement and a certain amount of turf or landscape in the frontage area to soften the impact of the amount of paved area in the public realm. Staff does not include the sidewalk connection within this calculated percentage. The applicant is asking for a 20% increase on standard rectangular lots and a 25% increase on cul-de-sac lots. This accommodates for the larger driveway as requested in the deviation above. A cul-de-sac lot has an irregular shaped front yard and more road surface in front than a lot on a standard 50' wide street would have which can have a substantial impact on that area. This is a balance that the Planning Commission should discuss for both a typical and irregular shaped lot.*

13. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Sidewalk Connection

Standard: 4' wide sidewalk between sidewalk and front entry feature

Proposed: 4' wide sidewalk between driveway and front entry feature

Applicant Response: *This requests allows for sidewalks to connect from the driveway to the front entryway of the home. This practice is predominantly used when the homes are featuring rear loaded or detached garages. The return of the sidewalk allows for easy passage from the driveway to the front of the home and promotes parking in the driveway rather than on the street. Additionally it reduces the amount of impervious surface decreasing the amount of runoff. This also allows for an enhanced visual appeal by allowing for more landscaping.*

Staff Comment: *The intent of this standard is to promote walkability and a pedestrian-oriented framework as experienced from the public realm to the front door of the house. Often driveways are parked with cars, making it less inviting to get to the front of the house. The applicant is proposing a sidewalk from the front of the house to the driveway. Having any walkway helps to maintain that visual connection, and therefore staff supports this deviation based on the proposed context of the planned development.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC –

Electric utilities will be provided to the property by the City. The City will extend the utilities across the interstate and to the development. Ten foot easements have generally been provided along the rear or every property. Additional 10' easements will need to be provided along the south side of Meadows Lot 79, the east side of Estates Tract H, and along the west side of Estates Tract G.

WATER –

Water is to be provided by Water District #7 and WaterOne. The applicant will work with the appropriate water district for approval and installation.

SANITARY SEWER –

Sanitary sewer will be provided by the City of Gardner. The utilities will be extended across the interstate and a new lift station will need to be installed generally within the area of Estates Tract E and located outside of all detention and stream setback areas. The sanitary sewer line locations will be further defined with the public improvement plans.

STORM SEWER –

Storm sewer improvements are provided for with the proposed storm water detention and drainage areas. A preliminary storm water study has been submitted and comments are being addressed in the final study.

ROADWAY NETWORK & VEHICULAR ACCESS –

The applicant is proposing to construct an arterial road, New Trails Parkway, with the first and fourth phases of the Meadows development. A collector will be constructed partially with Meadows Phase one and the remainder will be constructed with the commercial to the north. Local streets within the residential development will be constructed by the developer. With the project being adjacent to Interstate 35 and within the impact area of the interchange, the Kansas Department of Transportation (KDOT) will need to review the Traffic Impact Study (TIS) regarding access to 175th Street, at the final development and final plat phases. KDOT has accepted the TIS "in concept".

The Public Works Department has identified in the TIS that there will be a need for a larger road, 80' wide, for the proposed collector, 177th Street, in order to accommodate a 4-lane road.

The applicant has proposed eight cul-de-sacs and the Fire Department has requested that the pavement on the cul-de-sac be 96' in diameter. The applicant has revised seven of those cul-de-sacs to meet that standard though they have included in the proposal a 20' island in the middle. The Fire Department has requested a turning template be shown on the cul-de-sac to diagram that the largest fire truck can turn around within said cul-de sac.

SIDEWALKS –

The Neighborhood Local street design requires a 5' sidewalk along both sides of the street. The applicant has proposed to provide pedestrian connections to all lots either by sidewalks on one side of the street or an adjacent trail. This is discussed in the deviation requests above.

The arterial street is to have a 10' trail on the south side. The remaining design of the street will occur at a later date. The collector will require a 5' sidewalk on both sides and the design of the street will occur at a later date.

NEW CENTURY AIRCENTER –

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. Within the New Century AirCenter Future Land Use Map for the Airport Area of Interest, the subject properties are identified generally for low and medium density residential uses with a limit of 3 and 5-12.5 dwelling units per acre respectively. The proposed gross density of the RP-1 District area is 2 dwelling units per acre and the RP-2 District gross density is 3.8 dwelling units per acre. The net dwelling units per acre are 2.9 and 5.5 respectively. These density areas, when averaged, fall within the stated limits. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

ATTACHMENTS

- I. Preliminary development plan
- II. Johnson County Planning comment letter
- III. Public notice letter
- IV. Application

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Recommend approval the application.
2. Recommend approval the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Recommend denial the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

Preliminary Development Plan – Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend or the Governing Body may require conditions that must be met before an applicant submits a final development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan.

RECOMMENDATION

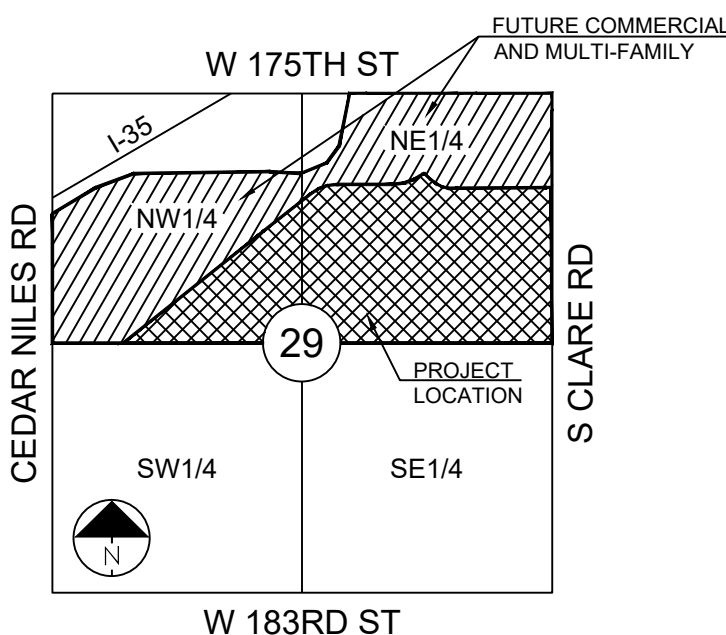
Staff recommends approval of the rezoning and associated preliminary development plan with the conditions outlined below. Please note that if the condition reads “Potential deviation”, the Planning Commission has been directed to discuss the potential deviation request. If, after discussion, the Planning Commission does not support the deviation as proposed by the applicant, then the Planning Commission would format some kind of condition of approval related to that deviation, either that the application must meet the code standard or some other amended deviation.

Recommended Motion:

After review of applications Z-20-01, a rezoning for 136 acres from County RUR, PRB2 and PEC3 to RP-1 and RP-2 located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan PDP-20-01 for Prairie Trace and dated March 2, 2020, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. Label the following tracts and add the size in the summary tables
 1. Trail tract between Estates Lot 177 and Lot 178.
 2. Trail tract between Estates Lot 79 and Lot 80.
2. Revise the “Single Family Site Data” number of lots to be 194 for the ‘Estates’ and 162 for the ‘Meadows’.
3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.
4. Change notes indicating a 10’ asphalt trail along New Trails Parkway to be a 10’ concrete trail.
5. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10’ concrete trail and associated easements to be located within their 66’ gas pipeline easement.
6. Provide a written agreement that KCP&L/Evergy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10’ concrete trail to be located within their 70’ electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that ‘Estate’ Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25’ rear yard setback minimum.
9. Update the Deviation outline on the plans to note that ‘Estate’ Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.
10. Update the Deviation outline on the plans to note that ‘Meadows’ Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25’ minimum rear yard setback.
11. Update the Deviation outline on the plans to note that ‘Meadows’ Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.
12. Potential conditions regarding Deviation #4, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width for the ‘Estates’ area.
13. Potential conditions regarding Deviation #5, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation for the ‘Estates’ area.

14. Potential conditions regarding Deviation #10, Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Design and Performance Standards; Garage Limits for the 'Meadows' area.
15. Potential conditions regarding Deviation #11, Section 17.05.05(C) Design Standards; Neighborhood Yard; Access Width Limits for the 'Meadows' area.
16. Potential conditions regarding Deviation #12, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation for the 'Meadows' area.
17. Revise the deviation requests on the first three pages of the plan to reflect what has been approved.
18. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
19. Revise the right-of-way for 177th Street to be at least 80' in width.
20. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
21. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.



SECTION 29-14-23

LOCATION MAP
SCALE 1" = 2000'

PRELIMINARY PLAT & PLAN FOR PRAIRIE TRACE IN THE CITY OF GARDNER JOHNSON COUNTY, KANSAS

OVERALL SITE DATA:

Overall Plan Data
Existing Use
Proposed Use
Future Land Use Map Designation

Existing Zoning

Proposed Zoning
RP-1 Single Family Residential Gross Land Area
RP-2 Single Family Residential Gross Land Area
TOTAL GROSS LAND AREA
RP-1 DENSITY
RP-2 DENSITY

Agriculture
Single Family
Regional Commercial and Light Industrial
Southeast Quadrant Market Determined
Growth Area
CNTY PRB2, RUR, PEC3

RP-1, RP-2,
93.68 Acres
42.37 Acres
136.05 Acres
2.07 DU/AC
3.82 DU/AC

SINGLE FAMILY SITE DATA:

General Data
Estates Detached Single Family(Suburban) Number of Lots
Meadows Detached Single Family(Neighborhood) Number of Lots
Total Number of Lots

194 Lots
162 Lots
356 Lots

Estates Detached House - Neighborhood Data

Total Number of Lots
17.07,020 Zoning Districts - Building Type and Development Standards
Building Type
Lot Size Minimum Per Code
Lot Size Minimum Proposed
Lot Width Minimum Per Code
Lot Width Minimum Proposed
Lot Size Minimum Proposed
Building Coverage Maximum Per Code
Building Coverage Maximum Proposed
Front Setback Per Code
Front Setback Proposed
Interior Side Setback Per Code
Interior Side Setback Proposed
Street Side Setback Per Code
Street Side Setback Proposed
Rear Setback Per Code
Rear Setback Proposed
Driveway Setback From Side Lot Line Per Code
17.07,040 Specific Building Type Standards
Frontage Type Per Code
Frontage Type Proposed
17.07,050 Frontage Design
Frontage Type Proposed
Depth Minimum Per Code
Depth Proposed
Access Limits Per Code
20' max. per access point, applicable to the area within the right-of-way
Access Limits Proposed
Access Type
Required Building Frontage Per Code
50%
Building Frontage Proposed
Hardscape Area Per Code
Hardscape Area Proposed

197 lots
Detached House-Suburban
8,000 s.f.
8,000 s.f.
70'
70'
70' x 120'
30%
40% (deviation requested)
25'-50"
30'
7'
7'
20'
20'
25'
20'(deviation requested)
3'
Suburban: Neighborhood
Neighborhood
Neighborhood
25'-35'
30'
15%(70x, 15x10.5')
30%(20' max)(deviation requested)
Double Driveway
50%
50%
5%-20%
28.6% 2 car 37% 3 car rectangular lot
38.8% 2 car 48.4% 3 car cul de sac lot
(deviation requested)
Direct connect to street
Direct connect to driveway (deviation req)

Front Entry Walk Location Per Code

Front Entry Walk Proposed

Meadows Detached House - Neighborhood Data

Total Number of Lots
17.07,020 Zoning Districts - Building Type and Development Standards
Building Type
Lot Size Minimum Per Code
Lot Size Minimum Proposed
Lot Width Minimum Per Code
Lot Width Minimum Proposed
Lot Size Minimum Proposed
Building Coverage Maximum Per Code
Building Coverage Maximum Proposed
Front Setback Per Code
Front Setback Proposed
Interior Side Setback Per Code
Interior Side Setback Proposed
Street Side Setback Per Code
Street Side Setback Proposed
Rear Setback Per Code
Rear Setback Proposed
17.07,040 Specific Building Type Standards
Frontage Type Required by Code
Frontage Type Proposed
Garage Limits Per Code 25% of facade if front-loaded; up to 45% if set back 15' + from front building line; no limits if side-loaded, rear or detached(door only).
Garage Frontage Proposed(16' door)
Single-story front entry feature required
Single-story entry feature provided
17.07,050 Frontage Design
Frontage Type Proposed
Depth Minimum Per Code
Depth Proposed
Access Limits Per Code
Access Limits Proposed
Access Type
Required Building Frontage Per Code
50%
Building Frontage Proposed
Hardscape Area Per Code
Hardscape Area Proposed on Smallest Yard Lots(cul de sac)
Front Entry Walk Location Per Code
Front Entry Walk Proposed

163 lots
Detached House-Neighborhood
6,000 s.f.
5,750 s.f.(deviation requested)
50'
50'
50' x 115'
40%
45%(deviation requested)
10'-35'
25'
5'
5'
10'
20'
20'
20'(deviation requested)
Neighborhood Yard; Terrace(limited)
Neighborhood
40%(deviation requested)

Street Design Data for Suburban and Meadows Single Family

17.04,010 Street Networks and Street Design

NEIGHBORHOOD TYPE- ALL STREETS WITHIN SINGLE FAMILY AREA

Block Length Per Code
Block Length Proposed
Block Area Per Code
Block Area Proposed
Cul De Sac Length Maximum
Cul De Sac Length Maximum proposed (1 cul de sac due to terrain/access)
Right of Way Per Code
Right of Way Proposed
Pavement Width Per Code
Pavement Width Proposed
Utility Placement Per Code
Utility Placement Proposed
Sidewalk Per Code
Sidewalk Proposed
Planting Area/Amenity Per Code
Planting Amenity Proposed
Drainage/Street Edge
Drainage/Street Edge Proposed
Travel Lane Per Code
Travel Lane Proposed
Parking Area/Shoulder Per Code
Parking Area/Shoulder Proposed
Walkway Type Per Code
Walkway Type Proposed
Planting Type Per Code
Planting Type Proposed
Tree Spacing Per Code
Tree Spacing Proposed
Bicycle Facility Per Code
Bicycle Facility Proposed
Target Speed Per Code
Target Speed Proposed

500' Min. - 1,000' Max
165'-2,300'(deviation requested)
5-8 Acres
3.9,4.1,3.1, 5.5, 5.3, 4.4, 5.3, 1.5, 1.6, 2.6, 8.4
(deviation requested)
500'
780'(deviation requested)
50'
50'
25'-28' back of curb to back of curb
28' back of curb to back of curb
Right of way and Easement
Right of way and Easement
5' both sides
5' and trail so each lot has access(deviation requested)
6'
5'(deviation requested)
1" - 2' curb/gutter
2' curb/gutter
9' two way or 14' yield flow
9'
6' limited parking
6'
Detached Sidewalk
Detached Sidewalk
Tree Lawn
Tree Lawn
25'-40' on center
25'-40' on center
None - within traffic flow
None - within traffic flow
35 mph
30-35 mph

COLLECTOR-STANDARD

Right of Way Per Code

Right of Way Proposed

Pavement Width Per Code

Pavement Width Proposed

Utility Placement Per Code

Utility Placement Proposed

Sidewalk Per Code

Sidewalk Proposed

Tree Spacing Per Code

Tree Spacing Proposed

Bicycle Facility Per Code

Bicycle Facility Proposed

Target Speed Per Code

Target Speed Proposed

Open Space Data

17.04,020 Open and Civic Space Systems

Context

Preferred Types Per Code

Type Proposed

Open Space Minimum Required by Section D of Code

Open Space Proposed

Estates Tract A (Green with Pedestrian Overlook) 0.41 ac(only part of tract)
Estates Tract D (Park/Pool Tract) 1.62 ac
Estates Tract E (Trail/Greenway) 2.81 ac(only part of tract)
Estates Tract F (Trail/Greenway) 0.36 ac
Estates Tract G (Trail/Greenway) 0.68 ac
Estates Tract H (Trail/Greenway) 1.51 ac
Estates Tract I (Trail/Greenway and Natural Area) 2.03 ac
Estates Tract J (Natural Area with Pedestrian Overlook) 0.23 ac(only part of tract)
Estates Tract K (Trail/Greenway and Natural Area) 2.08 ac
Estates Tract L (Trail/Greenway) 0.23 ac
Estates Tract O (Trail/Greenway) 2.94 ac
Meadows Tract C (Natural Area with Pedestrian Overlook) 0.59 ac(only part of tract)
Meadows Tract E (Trail/Greenway) 0.26 ac
Meadows Tract F (Trail/Greenway) 0.46 ac
Meadows Tract G (Trail/Greenway and Natural Area) 1.50 ac
Meadows Tract H (Trail/Greenway) 1.13 ac
Meadows Tract I (Trail/Greenway) 0.97 ac
Meadows Tract J (Trail/Greenway) 1.05 ac

Suburban
Park, Trail/Greenway, Green Natural Area
Park/Pool, Trail/Greenway
10%(12.73 Acres)
16%(20.88 Acres)



PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

GENERAL NOTES:

- The FIRM Map #20091C0121G dated August 3, 2009 indicates that the entire site is within ZONE X. Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Boundary and easement data is from survey provided by Owner.
- Topography and adjacent plat and improvements based on LCCO AIMS.
- Approval of this plan does not result in generating a building permit. A separate building permit approval process must be completed.
- The project will be developed in phases. Phasing will follow the platting indicated on this plan. For example 1st Plat of each product type will be 1st phase.

PUBLIC IMPROVEMENT NOTES(STREETS, STORMWATER MANAGEMENT, SANITARY SEWER, WATER, UTILITIES):

- Existing utilities have been shown to the greatest extent possible based upon field locates by utility companies and information provided to the engineer.
- All public walks will be 5' in width and constructed of Portland cement concrete.
- All public trails will be 10' in width and constructed of Portland cement concrete.
- All landscaped medians and islands shall be maintained by the homeowners association.

TRACT NOTES:

- ALL TRACTS WILL BE OWNED AND MAINTAINED BY THE PRAIRIE TRACE HOME OWNERS ASSOCIATION.
- TRACTS ARE INTENDED FOR THE FOLLOWING USES

ESTATES
TRACTS A,B,C,E,H,I & J TO BE USED FOR DETENTION AND STORMWATER QUALITY FEATURES, OPEN SPACE AND NATURAL AREAS.
TRACT D WILL CONTAIN AN AMENITY AREA WITH A SWIMMING POOL

TRACTS F, G, M,N,K TO BE USED FOR OPEN SPACE.

MEADOWS
TRACTS C,D,J,K & H TO BE USED FOR DETENTION AND STORMWATER QUALITY FEATURES, OPEN SPACE AND NATURAL AREAS.

TRACTS A,B,E,F,G,J,K & L TO BE USED FOR OPEN SPACE.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06

LOT LEGEND:

MEADOWS
xx ESTATES

DEVELOPER:

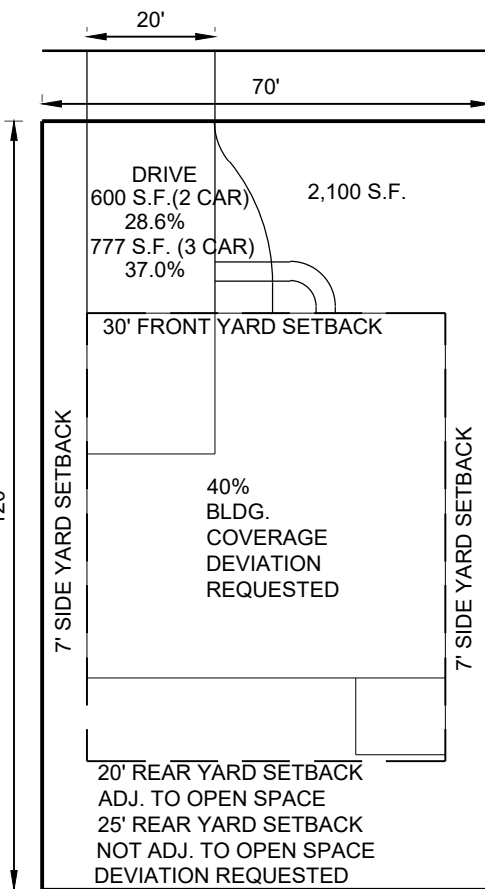
GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223
913-732-4778
INFO@GRATA.LAND

PRELIMINARY PLAN/PLAT LEGAL DESCRIPTION

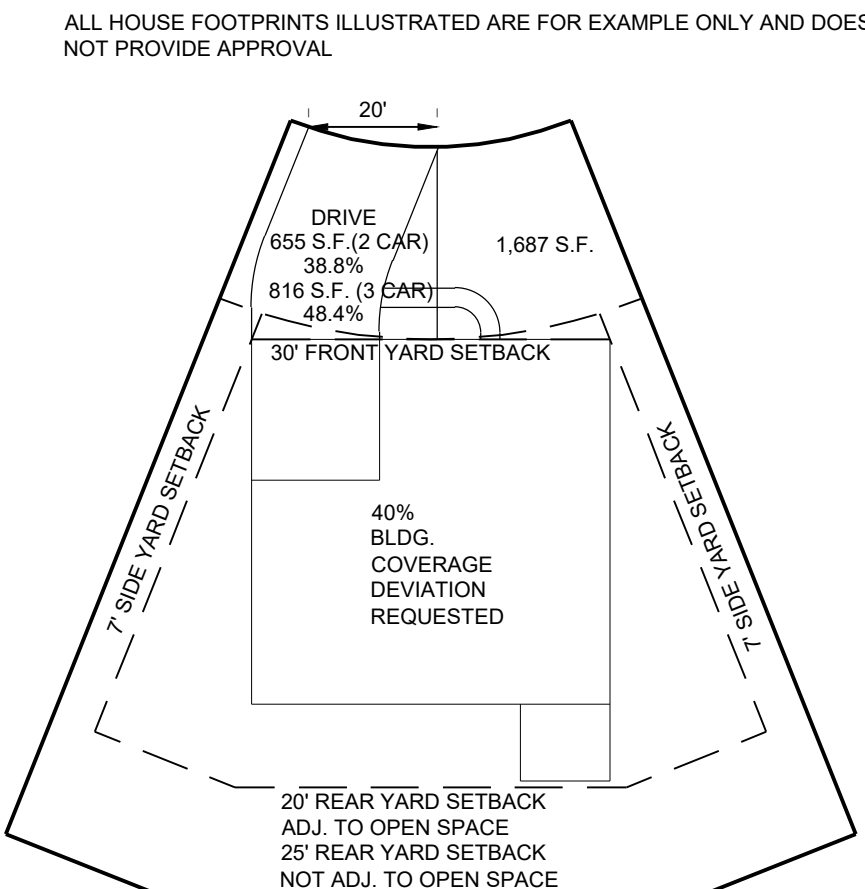
Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East; thence North 88 degrees 39 minutes 43 seconds East, a distance of 726.13 feet to the POINT OF BEGINNING; thence North 50 degrees 04 minutes 58 seconds East, a distance of 2646.24 feet; thence South 40 degrees 08 minutes 03 seconds West, a distance of 0.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 560.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of North 69 degrees 22 minutes 20 seconds East, and an arc length of 377.07 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 440.00 feet, a central angle of 90 degrees 41 minutes 44 seconds, a chord bearing of North 43 degrees 18 minutes 51 seconds East, and an arc length of 696.49 feet; thence South 02 degrees 02 minutes 01 seconds West, a distance of 468.10 feet; thence North 87 degrees 58 minutes 01 seconds East, a distance of 120.00 feet; thence South 02 degrees 02 minutes 01 seconds East, a distance of 468.10 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 560.00 feet, a central angle of 46 degrees 46 minutes 46 seconds, a chord bearing of South 21 degrees 21 minutes 22 seconds West, and an arc length of 457.22 feet; thence South 40 degrees 07 minutes 10 seconds East, a distance of 63.48 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 254.00 feet, a central angle of 51 degrees 04 minutes 51 seconds, a chord bearing of South 86 degrees 29 minutes 36 seconds East, and an arc length of 226.45 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 1046.25 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1680.87 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 2697.73 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 1985.28 feet, said point being the Point of Beginning, and containing 145.0780 acres, more or less.

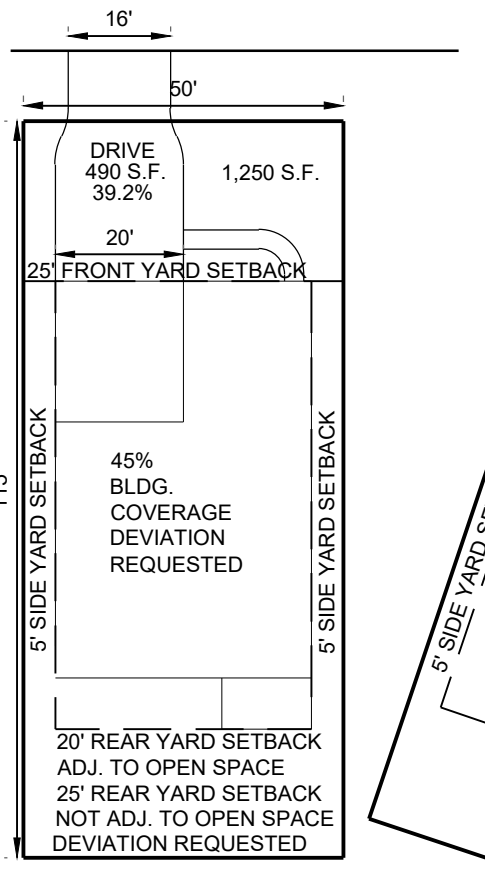
ALL HOUSE FOOTPRINTS ILLUSTRATED ARE FOR EXAMPLE ONLY AND DOES NOT PROVIDE APPROVAL



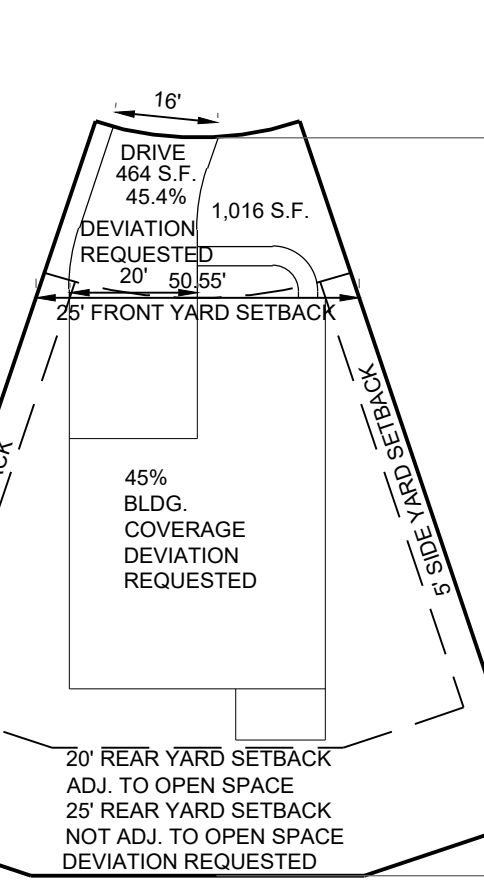
ESTATES
DETACHED HOUSE
SUBURBAN



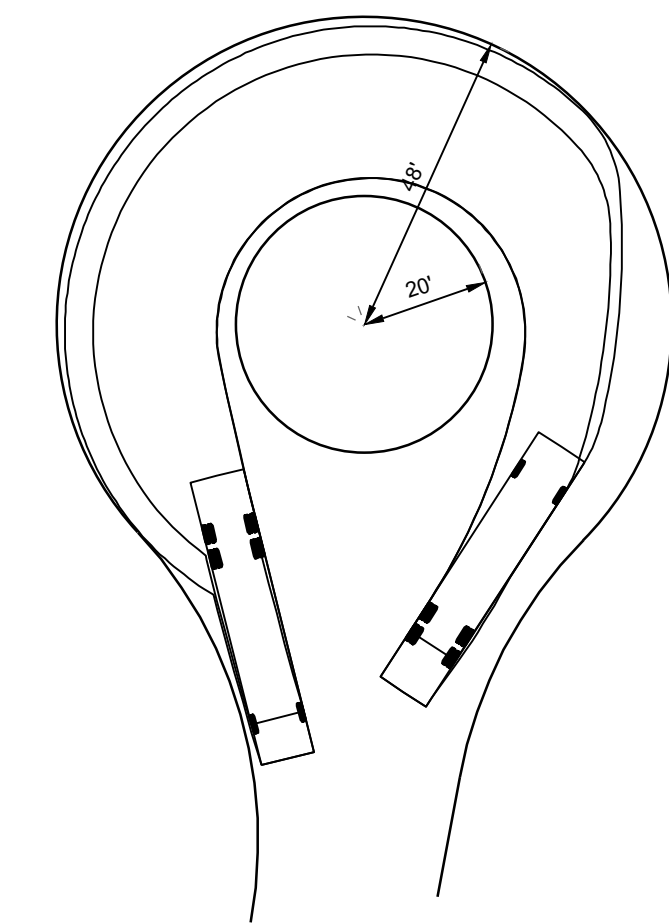
ESTATES
DETACHED HOUSE
SUBURBAN



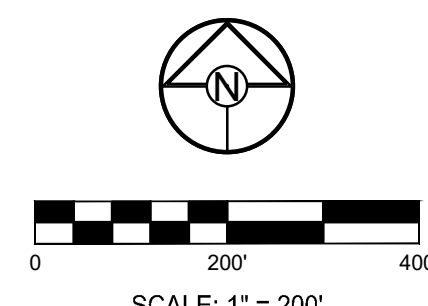
MEADOWS
DETACHED HOUSE
NEIGHBORHOOD



MEADOWS
DETACHED HOUSE
NEIGHBORHOOD

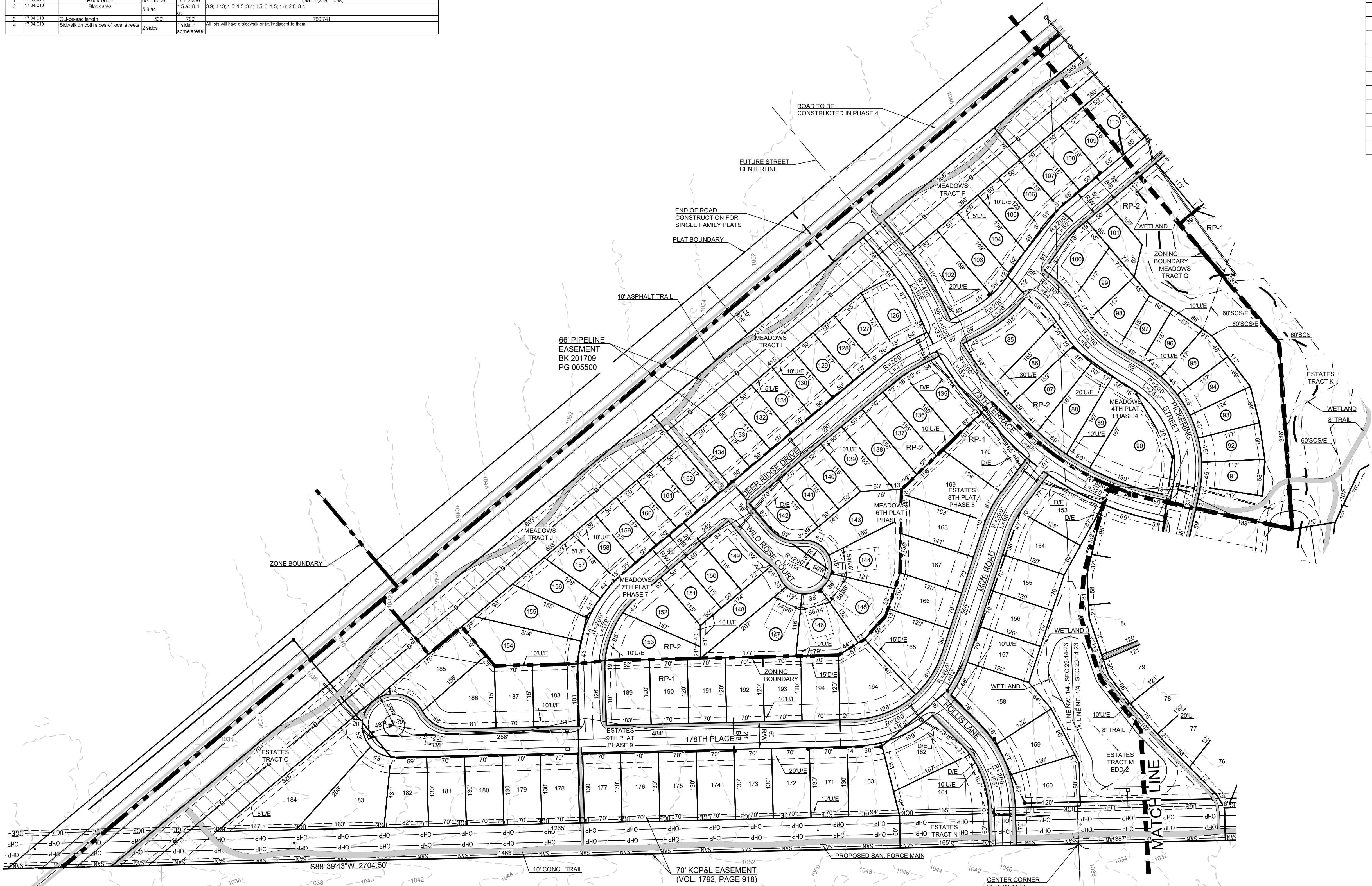


FIRE TRUCK TURNING
TEMPLATE DETAIL



I:\PROJECTS\2021\818-2283.0 Design\3.0 DWG Plans\2.0 PDP\18-228-PDP-GEN.dwg, 3/10/2020 7:45:44 AM, 1:1

Code Section	Code Standard	Standard	Request	Notes
ESTATES				
1	17.07.003-A Table 1.2 & 1.7 of 040	Detached House - Suburban Minimum Building Coverage	30%	40%
2	17.07.003-A Table 1.2 & 1.7 of 040	Detached House - Suburban Rear Setback	20'	20'
3	17.07.003-C	Detached House - Neighborhood Access Limits	10%, 20' max	30%, 20' max
4	17.07.003-C	Detached House - Neighborhood Hardscape Area	10%, 20' max	Allocation of space hardscape 26.6% 2 car 31% 3 car rectangular lot 36.6% 2 car 46.4% 3 car cul de sac
5	17.07.003-C	Detached House - Neighborhood Sewer	Direct Connect to Street	Street Connect to Street
MEADOWS LOTS				
1	17.07.003-A Table 1.2 & 1.7 of 040	Detached House - Neighborhood Minimum Lot Size	6,000 sf	5,760 sf
2	17.07.003-A Table 1.2 & 1.7 of 040	Detached House - Neighborhood Minimum Building Coverage	40%	45%
3	17.07.003-A Table 1.2 & 1.7 of 040	Detached House - Neighborhood Rear Setback	20'	20'
4	17.07.003-C	Detached House - Neighborhood Garage Limit	20% up to 40% of lot 12' from front	10' Garage door width
5	17.07.003-C	Detached House - Neighborhood Access Limits	10%, 20' max	32%, 16' max
6	17.07.003-C	Detached House - Neighborhood Hardscape Area	10%, 20% max	40% up to 40%
7	17.07.003-C	Detached House - Neighborhood Sewer	Direct Connect to Street	Direct Connect to Street
STREET DESIGN				
1	17.04.010	Block south	500' 1,000'	1,450' 2,358' 1,048'
2	17.04.010	Block north	500' 1,000'	1,450' 2,358' 1,048'
3	17.04.010	Cul-de-sac south	500'	750' 750'
4	17.04.010	Sidewalk on both sides of local streets	2' wide	1' wide if 10' wide street



MEADOWS WEST

LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)
85	12,674	126	8,639	MEADOWS TRACT A	1,310
86	8,239	127	6,565	MEADOWS TRACT B	32,766
87	9,262	128	5,853	MEADOWS TRACT C	66,529
88	9,456	129	5,853	MEADOWS TRACT D	10,442
89	8,379	130	5,853	MEADOWS TRACT E	11,465
90	18,253	131	5,853	MEADOWS TRACT F	20,217
91	6,541	132	5,853	MEADOWS TRACT G	65,302
92	6,542	133	5,853	MEADOWS TRACT H	49,191
93	6,781	134	5,853	MEADOWS TRACT I	42,388
94	6,781	135	9,474	MEADOWS TRACT J	45,807
95	6,709	136	7,639		
96	6,445	137	7,816		
97	5,750	138	7,941		
98	7,078	139	6,891		
99	6,812	140	6,035		
100	8,419	141	5,750		
101	5,895	142	7,605		
102	11,087	143	11,351		
103	7,750	144	10,637		
104	7,142	145	9,768		
105	6,476	146	9,311		
106	5,925	147	13,097		
107	5,800	148	8,938		
108	5,800	149	7,565		
109	6,148	150	5,750		
		151	5,750		
		152	8,484		
		153	9,653		
		154	12,819		
		155	10,928		
		156	8,134		
		157	6,844		
		158	6,051		
		159	5,853		
		160	5,853		
		161	5,853		
		162	5,853		

ESTATES WEST

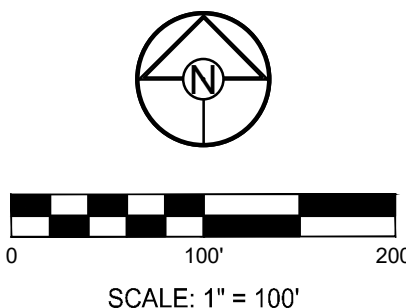
LOT #	AREA (SF)	LOT #	AREA (SF)
153	10,317	ESTATES TRACT A	101,192
154	9,232	ESTATES TRACT B	120,804
155	8,400	ESTATES TRACT C	27,310
156	8,400	ESTATES TRACT D	66,397
157	8,400	ESTATES TRACT E	183,132
158	15,232	ESTATES TRACT F	15,532
159	9,622	ESTATES TRACT G	29,771
160	9,727	ESTATES TRACT H	66,077
161	13,335	ESTATES TRACT I	91,303
162	11,862	ESTATES TRACT J	85,340
163	10,415	ESTATES TRACT K	89,361
164	13,698	ESTATES TRACT L	26,752
165	13,761	ESTATES TRACT M	90,872
166	8,400	ESTATES TRACT N	9,893
167	9,152	ESTATES TRACT O	128,031
168	10,657		
169	12,497		
170	11,172		
171	9,100		
172	9,100		
173	9,100		
174	9,100		
175	9,100		
176	9,100		
177	9,100		
178	9,100		
179	9,100		
180	9,100		
181	9,100		
182	9,663		
183	14,718		
184	21,551		
185	11,720		
186	11,556		
187	8,050		
188	9,682		
189	9,954		
190	8,400		
191	8,400		
192	8,400		
193	8,400		
194	8,400		

LEGEND:

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR
- UNLESS OTHERWISE NOTED
- SET 1/2" REBAR W/L5-54 CAP
- UNLESS OTHERWISE NOTED
- B/B - BACK TO BACK
- BL or B.L. - BUILDING LINE
- D/E - DRAINAGE EASEMENT
- L/E - LANDSCAPE EASEMENT
- R/W - RIGHT-OF-WAY
- S/E - SANITARY SEWER EASEMENT
- U/E - UTILITY EASEMENT
- SCS/E - STREAM CORRIDOR SETBACK EASEMENT
- CURB & GUTTER
- EXISTING LOT AND PROPERTY LINES
- EXISTING PLAT AND R/W LINES
- OVERHEAD POWER LINE
- SANITARY SEWER MAIN
- WATERLINE
- ELECTRIC LINE
- GAS LINE
- STORM SEWER
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- GAS VALVE
- GUY WIRE
- LIGHT OVERHEAD
- POWER PEDESTAL
- TELEPHONE PEDESTAL

LOT LEGEND:

- MEADOWS
- ESTATES



PRAIRIE TRACE
PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

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ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14020 W. 175TH STREET, SUITE 100
GARDNER, KANSAS 66030
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Kansas State Certified of Authority
#E-298 #L-239 #LS-54

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

REVISION DATE	DESCRIPTION
1-22-2020	CITY COMMENTS
2-12-2020	CITY COMMENTS
3-12-2020	CITY COMMENTS
4-12-2020	CITY COMMENTS
5-12-2020	CITY COMMENTS
6-12-2020	CITY COMMENTS
7-12-2020	CITY COMMENTS
8-12-2020	CITY COMMENTS
9-12-2020	CITY COMMENTS
10-12-2020	CITY COMMENTS
11-12-2020	CITY COMMENTS
12-12-2020	CITY COMMENTS

GENERAL
LAYOUT - WEST

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MEADOWS EAST				ESTATES EAST			
LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)
1	9,268	61	6,765	1	11,633	61	9,181
2	8,581	62	5,823	2	8,849	62	10,137
3	9,681	63	5,750	3	8,400	63	11,175
4	8,930	64	5,750	4	9,019	64	13,327
5	6,956	65	5,750	5	8,400	65	14,925
6	6,590	66	5,750	6	8,400	66	10,727
7	6,608	67	5,808	7	8,624	67	12,144
8	6,775	68	5,850	8	8,635	68	8,400
9	6,604	69	5,750	9	10,648	69	8,400
10	6,518	70	5,750	10	10,125	70	8,400
11	6,014	71	5,854	11	10,914	71	8,400
12	6,498	72	5,750	12	14,584	72	8,400
13	5,985	73	6,636	13	13,413	73	8,400
14	5,757	74	7,263	14	9,385	74	8,400
15	6,189	75	8,084	15	9,336	75	10,020
16	7,022	76	7,910	16	8,400	76	10,797
17	6,319	77	7,543	17	8,676	77	9,038
18	7,475	78	5,759	18	8,400	78	8,605
19	7,970	79	5,879	19	8,400	79	9,602
20	7,516	80	8,072	20	9,281	80	9,580
21	6,135	81	6,131	21	8,400	81	9,628
22	6,108	82	6,731	22	8,736	82	10,330
23	7,120	83	6,495	23	10,207	83	9,832
24	6,383	84	9,079	24	9,545	84	12,582
25	6,545			25	8,050	85	8,400
26	7,509			26	8,050	86	8,400
27	11,004			27	9,481	87	9,470
28	10,896			28	11,923	88	11,035
29	6,225			29	8,809	89	8,400
30	7,125			30	9,226	90	8,821
31	6,186			31	8,748	91	8,400
32	6,819			32	8,749	92	9,528
33	6,329			33	8,750	93	8,433
34	6,460			34	8,758	94	8,944
35	10,681			35	9,339	95	8,400
36	13,062			36	10,580	96	10,458
37	10,459			37	10,158	97	9,392
38	9,513			38	11,487	98	16,366
39	6,634			39	11,209	99	17,525
40	7,316			40	9,854	100	8,983
41	6,784			41	9,960	101	11,256
42	6,916			42	8,616	102	8,661
43	8,439			43	8,400	103	11,489
44	5,750			44	8,400	104	12,677
45	5,750			45	9,594	105	11,360
46	5,750			46	9,308	106	11,281
47	7,212			47	9,412	107	8,455
48	7,765			48	9,369	108	9,615
49	9,256			49	10,201	109	8,587
50	6,829			50	10,247	110	8,400
51	8,032			51	8,648	111	8,400
52	8,565			52	9,960	112	8,400
53	8,437			53	9,960	113	8,400
54	7,573			54	8,400	114	8,400
55	6,827			55	8,400	115	8,400
56	6,669			56	9,960	116	9,165
57	8,114			57	9,960	117	12,809
58	9,161			58	10,624	118	10,750
59	8,563			59	12,726	119	10,120
60	7,932			60	10,159	120	11,076

LOT #	AREA (SF)
110	6,380
111	6,380
112	5,800
113	5,800
114	6,192
115	6,310
116	6,216
117	6,518
118	6,511
119	6,194
120	6,869
121	7,269
122	9,654
123	7,475
124	5,750
125	5,750

LOT #	AREA (SF)
MEADOWS TRACT A	1,310
MEADOWS TRACT B	32,766
MEADOWS TRACT C	66,529
MEADOWS TRACT D	10,442
MEADOWS TRACT E	11,465
MEADOWS TRACT F	20,217
MEADOWS TRACT G	65,302
MEADOWS TRACT H	49,191
MEADOWS TRACT I	42,388
MEADOWS TRACT J	45,807

LEGEND:

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
- SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
- BACK TO BACK
- B/B
- BL or B.L.
- BUILDING LINE
- D/E
- DRAINAGE EASEMENT
- L/E
- LANDSCAPE EASEMENT
- R/W
- RIGHT-OF-WAY
- S/E
- SANITARY SEWER EASEMENT
- U/E
- UTILITY EASEMENT
- CURB & GUTTER
- EXISTING LOT AND PROPERTY LINES
- EXISTING PLAT AND R/W LINES
- OVERHEAD POWER LINE
- SAN
- SANITARY SEWER MAIN
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- STORM SEWER
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- GAS VALVE
- GUY WIRE
- LIGHT OVERHEAD
- POWER PEDESTAL
- TELEPHONE PEDESTAL

LOT LEGEND:

- MEADOWS
- ESTATES

Code Section	Code Standard	Standard	Request	Notes
ESTATES				
1	17.07.001.1	Detached House - Suburban Maximum Building Coverage	30%	40%
2	17.07.001.2	Detached House - Suburban Floor Setback	25'	20'
3	17.07.001.3	Detached House - Suburban Access Limits	10%, 20' max	30%, 30' min
4	17.07.001.4	Detached House - Neighborhood Access Limits	10%, 20' max	30%, 30' min
5	17.07.001.5	Detached House - Neighborhood Sidewalk	Direct Connect to Street	Direct Connect to Street
MEADOWS LOTS				
1	17.07.001.1	Detached House - Neighborhood Maximum Lot Size	6,000 sq ft	3,750 sq ft
2	17.07.001.2	Detached House - Neighborhood Maximum Building Coverage	40%	45%
3	17.07.001.3	Detached House - Neighborhood Floor Setback	25'	20'
4	17.07.001.4	Detached House - Neighborhood Access Limits	10%, 20' max	30%, 30' min
5	17.07.001.5	Detached House - Neighborhood Sidewalk	Direct Connect to Street	Direct Connect to Street
STREET DESIGN				
1	17.04.010	Block length	500'-1,000'	1,000'-2,000'
2	17.04.010	Block width	15'-24'-4'	15'-24'-4'
3	17.04.010	Side-scape length	500'	750'-1,000'
4	17.04.010	Side-scape width	2'-6"	2'-6"



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WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificate of Authority
#E-298 #L-739 #LS-541

PREPARED BY:

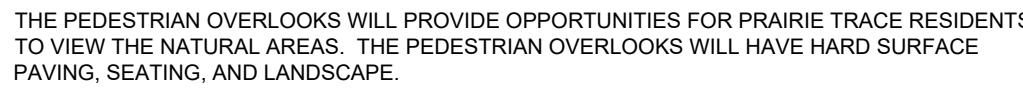
SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

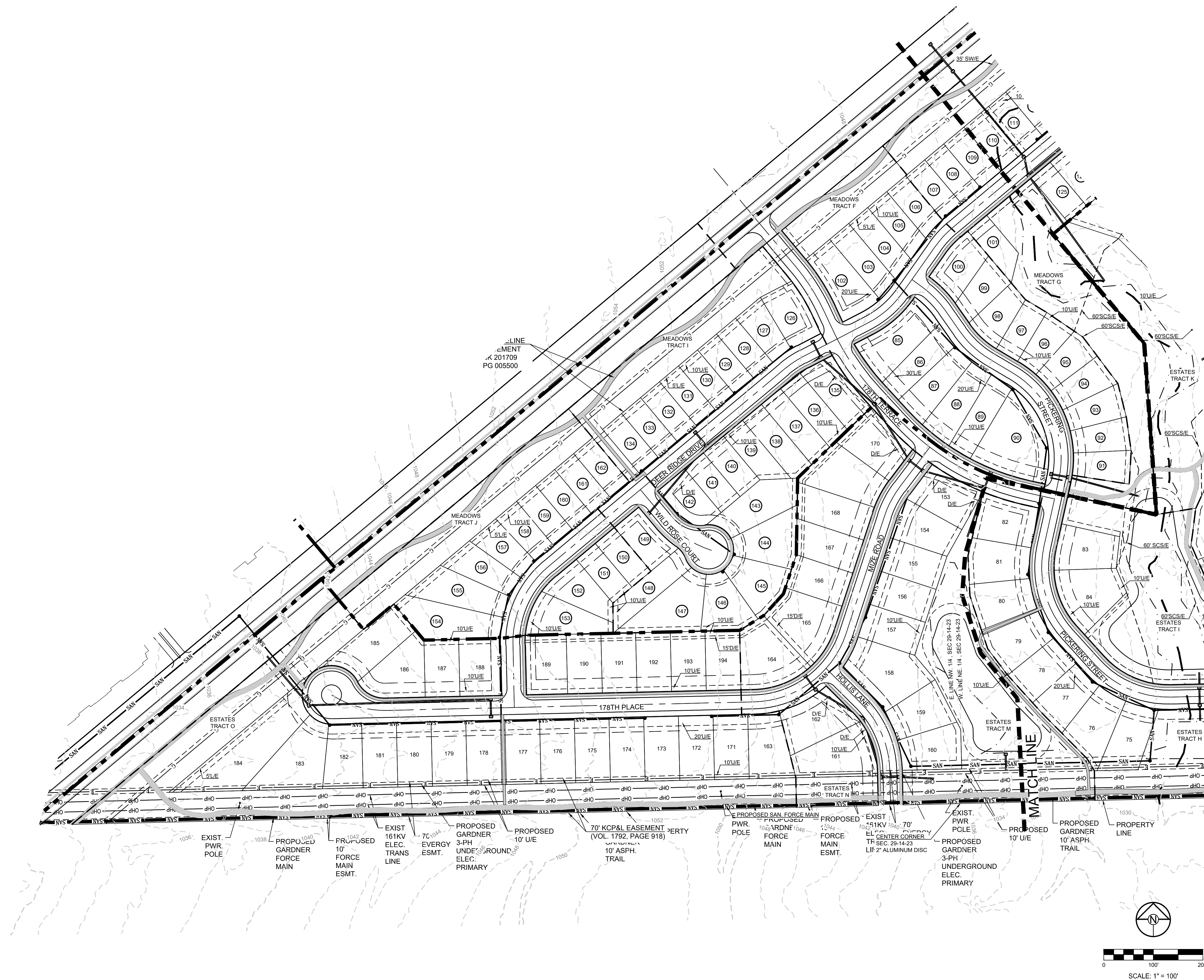
REVISION DATE	DESCRIPTION
1/2/2020	CITY COMMENTS
2/10/2020	CITY COMMENTS
2/10/2020	CITY COMMENTS
3/4/2020	CITY COMMENTS

GENERAL LAYOUT - EAST

3



PEDESTRIAN PLAN		REVISION/DATE	DESCRIPTION
DRAWN BY:	A/C	A/ 1-24-2020	CITY COMMENTS
CHECKED BY:	A/C	A/ 2-10-2020	CITY COMMENTS
		A/ 2-12-2020	CITY COMMENTS
	MAB	A/ 3-2-2020	CITY COMMENTS
DATE PREPARED:		A/ 3-9-2020	CITY COMMENTS
	01-10-20	A/	
PROJ. NUMBER:		A/	
	15-276	A/	



PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

PRELIMINARY UTILITY PLAN - WEST		REVISION DATE	DESCRIPTION
DRAWN BY:	A/C	1-13-2020	CITY COMMENTS
CHECKED BY:	2	2-10-2020	CITY COMMENTS
	144B	2-12-2020	CITY COMMENTS
		3-23-2020	CITY COMMENTS
DATE PREPARED:	01-10-20	3-9-2020	CITY COMMENTS
PROJ. NUMBER:	18-226		

I:\PROJECTS\2021\818-2283.0 DWS Plans\2.0 PDP\18-228-PDP-UTL.dwg, 3/10/2020 7:46:46 AM, 1:1



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ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14820 E. 15th Avenue, Suite 100
Denver, CO 80231
(303) 492-5158 • Fax: (303) 492-8400
WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificate of Authority
#E-268 #L.A.29 #L.S.41

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

REVISION	DATE	DESCRIPTION
1	1-22-2020	CITY COMMENTS
2	2-12-2020	CITY COMMENTS
3	2-12-2020	CITY COMMENTS
4	3-4-2020	CITY COMMENTS

DRAWN BY: A.C.

CHECKED BY: MAB

DATE PREPARED: 01/10/20

PROJ. NUMBER: 18-228

PRELIMINARY
UTILITY PLAN -
EAST

6

Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

Re: **City of Gardner Applications: Z-20-01 (PDP-20-01), Rezoning** approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (Planned Single Family Residential, approximately 88.2 acres) and RP-2 (Planned Two-Family Residential, approximately 48.1 acres) and associated **Preliminary Development Plan** for Prairie Trace; and **PP-20-01, Preliminary plat** 356 single-family lots for Prairie Trace; and **Z-20-01, Rezoning** approximately 31.9 acres from County PRB2 and PEC-3 to City of Gardner District R-3; and **Z-20-03, Rezoning** approximately 100.4 acres from County PRB2 and PEC-3 to City of Gardner District C-3; on properties are located southwest of 175th Street and Clare Road.

Thank you for forwarding the application information and proposed plans for the above referenced development. The subject properties are located within 1 mile of the New Century AirCenter. Pursuant to K.S.A. 3-307e, any changes in existing city zoning must have the approval of the Board of County Commissioners of Johnson County, Kansas (BOCC), to be valid and effective.

The following are preliminary comments from the Johnson County Planning staff and Airport staff for the subject applications and may not necessarily reflect the official views or comments of the BOCC:

1. Preliminary development plans or conceptual plans should be reviewed and approved with the proposed rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the New Century AirCenter (NCAC) Comprehensive Compatibility Plan. The proposed rezonings for the C-3 and R-3 districts do not include preliminary development plans as typically required for County review of applications within one mile of the airports. Staff supports the proposed rezonings with the appropriate plans and restrictions in accordance with the New Century AirCenter Compatibility Plan.
2. If preliminary development plans are not included with the rezoning applications, staff would recommend that conditions be included in the respective zoning ordinances as noted below in comments #6-20.
3. The New Century AirCenter Future Land Use Map (attached) identifies the following recommended land uses for the subject property:
 - Airport Industrial Park
 - General Commercial
 - Low Density Residential (Maximum 3 dwelling units/acre)
 - Medium Density Residential (5-12.5 units/acre)
4. The proposed R-3 and C-3 zoning and part of the RP-2 zoning represent a change in use according to the NCAC Future Land Use Map since these areas are identified as Airport Industrial Park. This land use category is intended for areas located near the airport and is recommended for low density offices, warehouses or businesses related to airport operations.

5. The western 125 feet of the R-3 and C-3 zoning boundaries are located within the Primary Flight Corridor Subarea C (see attached AIMS maps). Land areas adjacent to and within the Primary Flight Corridor are generally planned for commercial and industrial uses.
6. All commercial and residential buildings shall be located completely out of the Primary Flight Corridor that overlays the western edge of the R-3 and C-3 zoning boundaries.
7. To offset the proposed change from Airport Industrial Park uses to multi-family residential development, careful site design should be considered to maximize open space areas and locate buildings as far as possible from the Primary Flight Corridor and reduce densities of development closest to the Primary Flight Corridor.
8. Open space areas should be provided adjacent to the Primary Flight Corridor for safety purposes with areas at least 75 feet wide, at least ½ acre in size, extended along the entire length of the flight corridor. The open space areas should be free of abrupt elevation changes and objects such structures, overhead lines, large trees and light poles.
9. Permanent water features or drainage areas shall not be located within the R-3 and C-3 properties closest to the primary flight corridor. Any water features in the RP-1 and RP-2 areas should be limited to only those areas necessary for required open stormwater drainage.
10. The maximum density of multi-family residential development shall be 12.5 units per acre of gross land area for the R-3 zoning area.
11. The maximum density of single family residential development shall be 3 dwelling units per acre of gross land area for RP-1 and RP-2 zoning.
12. Commercial land uses should be compatible with airport operations and any use that compromises the efficient and safe operation of the airport shall be prohibited according to the Land Use Restrictions identified in Chapter 3, Section 4, of the NCAC Comprehensive Compatibility Plan.
13. Single land uses that attract crowds in excess of 500 persons at any one time (such as hospitals, schools, theaters, arenas, and the like,) or concentrates persons who are unable to respond to emergency situations (such as day care establishments, nursing homes and elderly care or special care facilities), will need to be evaluated carefully for airport compatibility due to the large concentration of persons at such facilities.
14. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
15. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
16. Acknowledgment of Noise Impact area, and noise attenuation/sound proofing construction standards should be considered for all development located within the boundaries of the NCAC Airport Interest Area.
17. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.

Planning, Development & Codes

18. Preliminary and final site development plans must be reviewed and approved by the BOCC for all subject properties in accordance with the NCAC Comprehensive Compatibility Plan.
19. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.
20. Any city ordinances approving the rezonings should include a provision indicating that the rezonings shall not be effective unless and until approved by the Board of County Commissioners.

At the conclusion of the city's actions on these applications, all relevant information and documents which were considered by the city regarding the applications, should be forwarded to the BOCC, in care of Sean Pendley, Johnson County Planning Department, 111 S. Cherry, Suite 2000, Olathe, Kansas, 66061. Thereafter, the Airport Commission will consider the applications and provide a recommendation to the BOCC. Finally, the BOCC will review the proposed requests and all information submitted for the record and render its decision on the applications.

Please note, if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, then county staff anticipates recommending that the Board grant conditional zoning approval, made subject to subsequent compliance with the above-referenced conditions.

If you have any questions concerning these comments, please contact me at (913) 715-2205. Thank you for your cooperation in this matter.

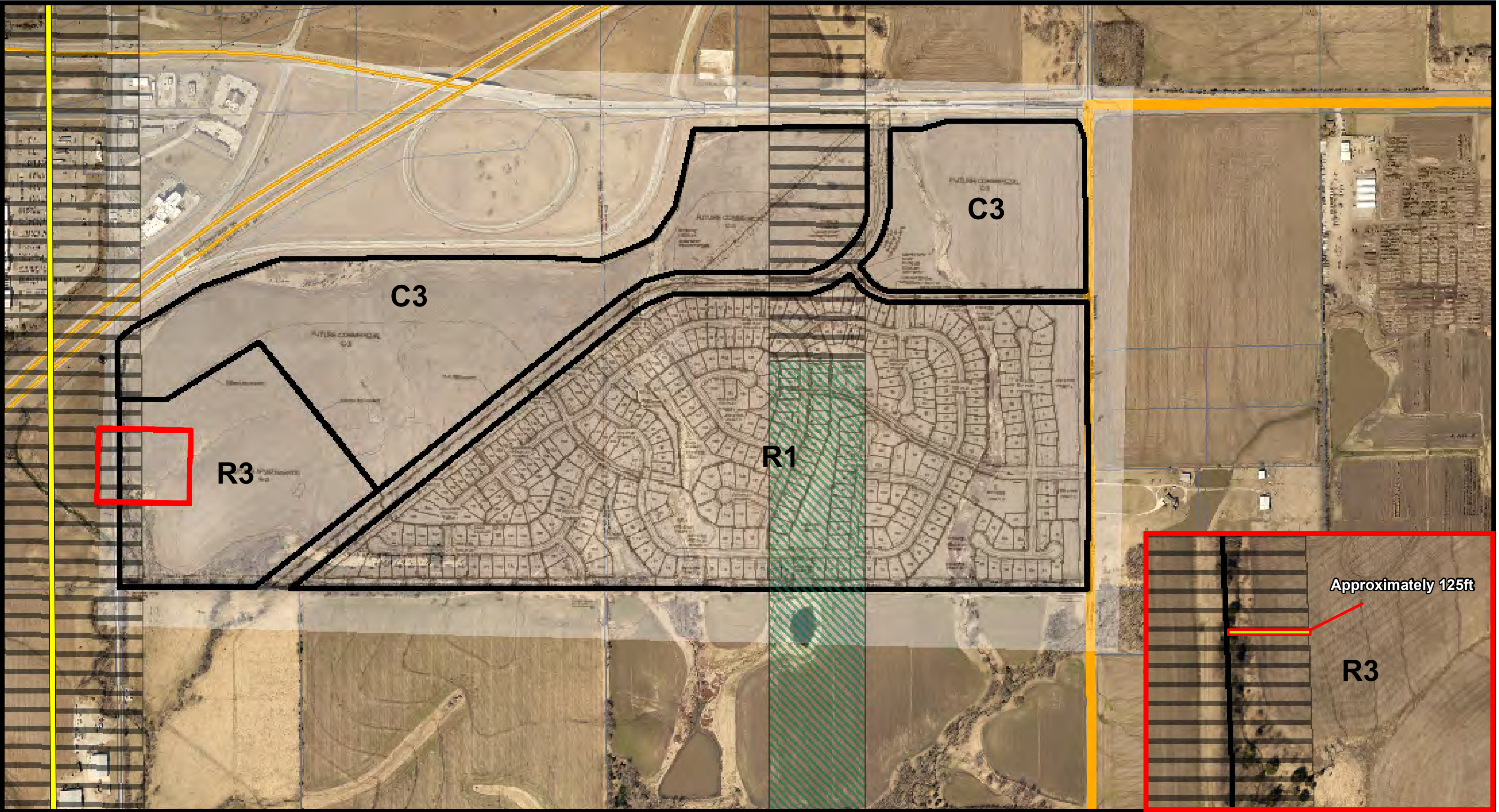
Respectfully,



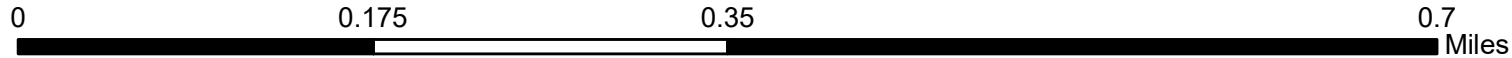
Sean Pendley, AICP
Deputy Director of Planning

Cc: Aaron Otto, Johnson County Airport Commission
Larry Peet, Johnson County Airport Commission
Jay Leipzig, Johnson County Planning
Richard Lind, Johnson County Legal

Prarie Trace (Proposed)



NCAC Centerline



New Century Airport

Future Land Use

Airport Rural Residential
2 Acre Minimum Lot Size

Airport Estate Residential
1 Acre Minimum Lot Size

Low Density Residential
Max 3 Dwellings/Acre

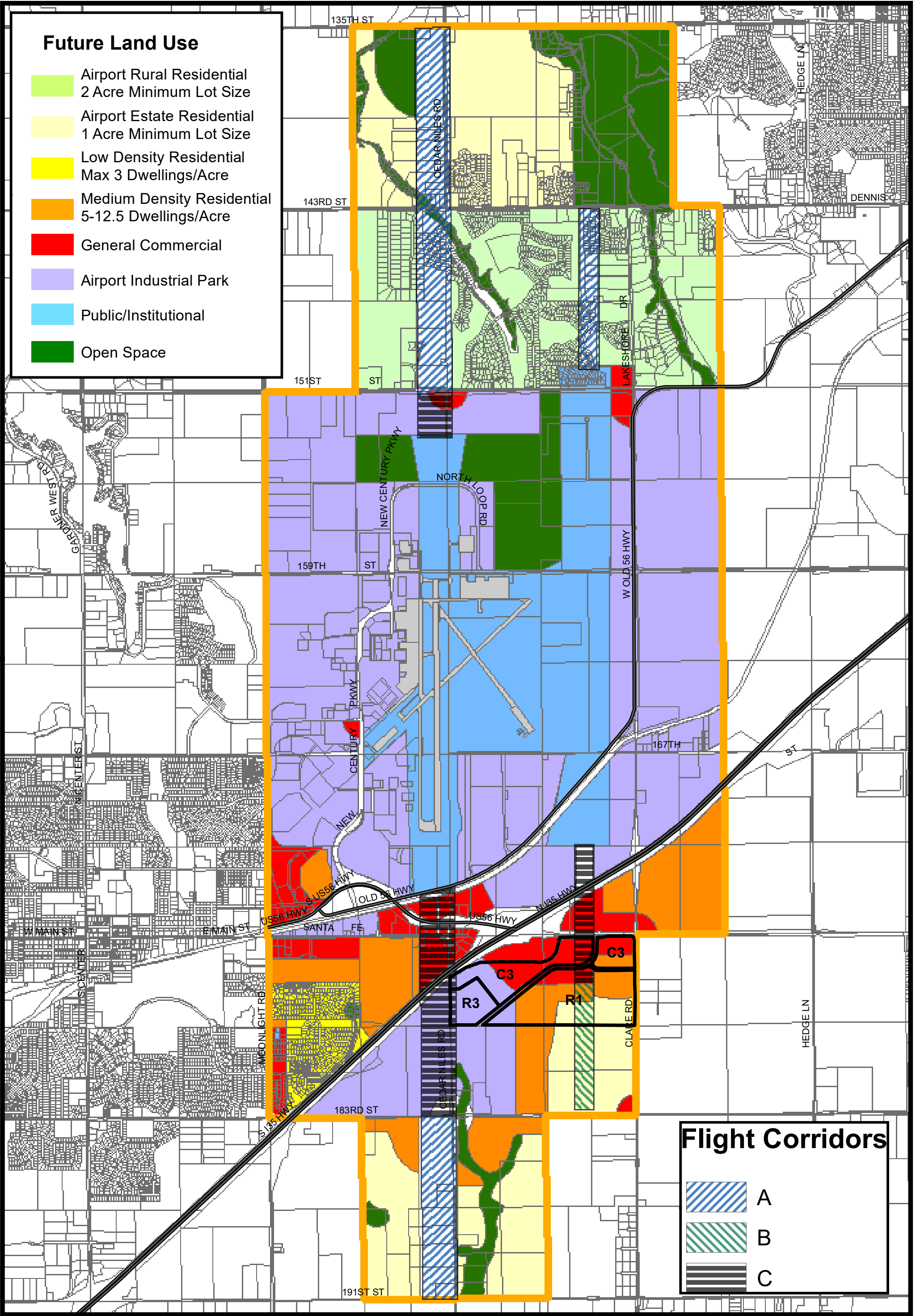
Medium Density Residential
5-12.5 Dwellings/Acre

General Commercial

Airport Industrial Park

Public/Institutional

Open Space

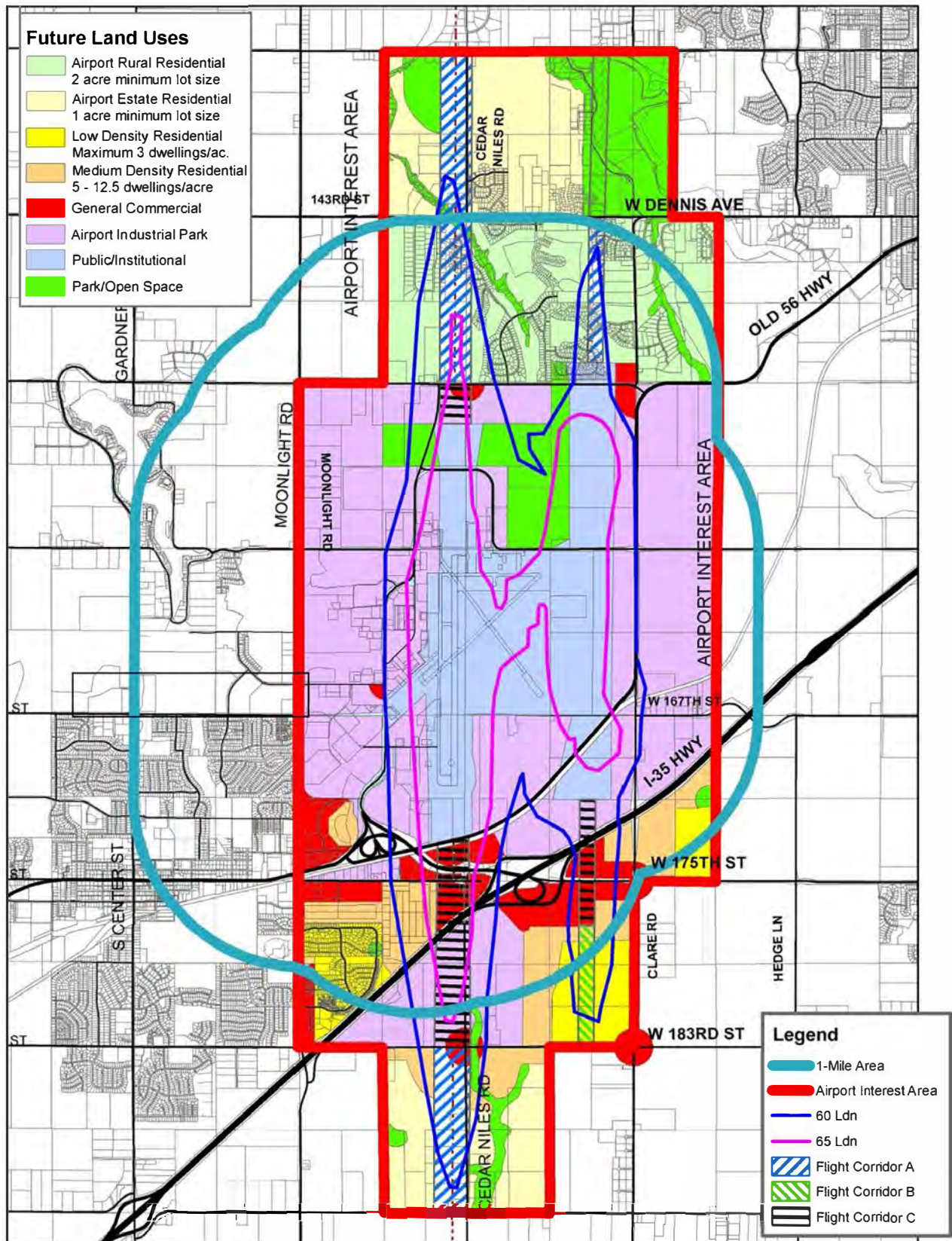


Flight Corridors

A

B

C



REPLICA OF NCAC FUTURE LAND USE MAP

0 0.5 1 2 Miles





BUSINESS & ECONOMIC DEVELOPMENT

February 4, 2019

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, February 25, 2020, beginning at 7:00 p.m.**, in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

Z-20-01(PDP-20-01): Hold a public hearing on and consider a rezoning of approximately 136.3 acres from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts to City of Gardner Districts RP-1 (Planned Single-Family Residential) (approximately 88.2 acres) and RP-2 (Planned Two-Family Residential) (approximately 48.1 acres) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Ttax Ids 2F231429-3001& 2F231429-1001.

Z-20-02: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District R-3 (Garden Apartment) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Id 2F231429-1001.

Z-20-03: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) Districts to City of Gardner District C-3 (Heavy Commercial) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Ids 2F231429-3001& 2F231429-1001.

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0909.

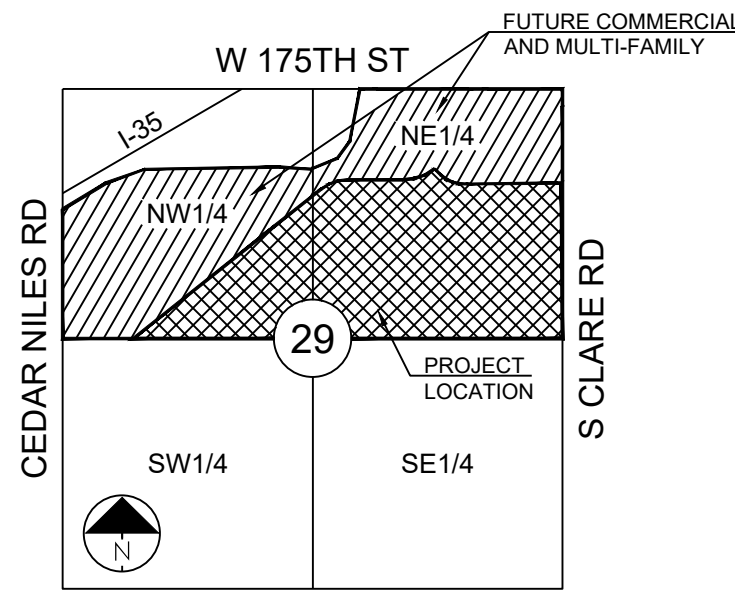
After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more information, contact the Business & Economic Development Department.

PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

Sincerely,

Michelle Leininger, AICP
Principal Planner

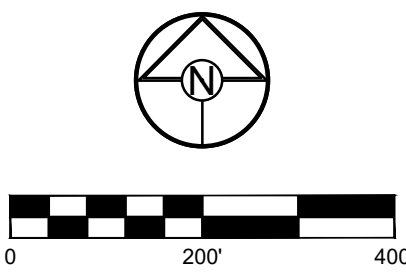
Enclosure

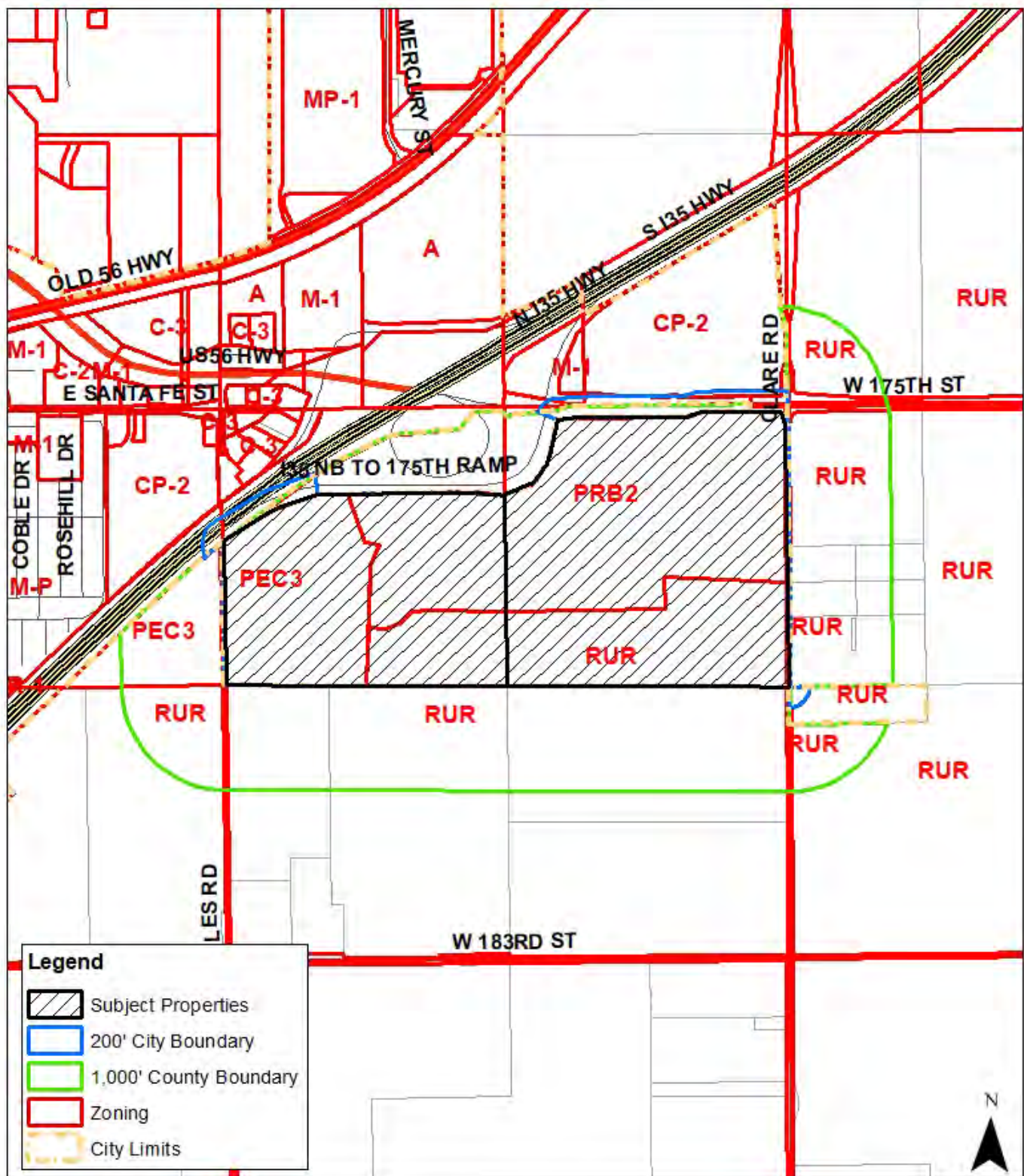


LOCATION MAP
SCALE 1" = 2000'

SCHLAGEL & ASSOCIATES, P.A.

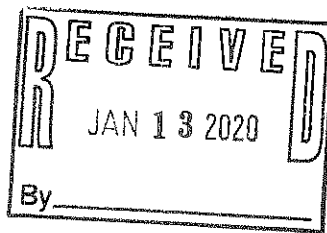
-35 & 175TH STREET GARDNER, KS





Gardner Planning Commission
 Z-20-01(PDP-20-01) : County RUR, PRB2 & PEC3 to City RP-1 & RP-2 &
 PDP for Prairie Trace
 Z-20-02: County PRB2 & PEC3 to City R-3
 Z-20-03: County PRB2 & PEC3 to City C-3
 Meeting Date: February 25, 2020

Map Date: 2/4/20



Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
P: 913.856.0913 | F: 913.856.4562
www.gardnerkansas.gov

PRELIMINARY DEVELOPMENT PLAN APPLICATION

Pre-App Date	_____
Fee	<u>\$350 -</u>
File No.	<u>PDP-20-01</u>

OWNER INFORMATION

Name(s) Grata Development
Contact Travis Schram
Address 6300 W. 143rd Street, Suite 200
City Overland Park State KS Zip 66223
Phone 913-732-4778 Email travis@grata.land

APPLICANT/AGENT INFORMATION

Name(s) Schlagel & Associates, P.A.
Contact Daniel G Foster, PLA
Address 14920 W. 107th Street
City Lenexa State KS Zip 66215
Phone 913-492-5158 Email DF@schlagelassociates.com

SITE INFORMATION

Property Address/Location I-35 Hwy and 175th Street
Legal Description (Attach If Necessary) see the attached legal description
Number of Existing Lots 2 unplatted parcels Number of Proposed Lots 360
Total Site Area 268.59 Present Zoning A,C-2, M-1
Present Land Use vacant Proposed Use(s) single family
Proposed Street Design Type(s) & Class suburban
Proposed Type(s) Open & Civic Space Natural Area, Trail Greenway, Park (Pool)
Proposed Frontage Type(s) Suburban and Neighborhood
Proposed Building Types(s) Detached House - Suburban and Neighborhood

SIGNATURE

I/We, the undersigned am/are the (owner(s)), (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a preliminary development plan as indicated above.

Signature(s):  Date 1-13-20

Date _____

PRELIMINARY DEVELOPMENT PLAN APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Sign posting affidavit |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Preliminary Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Preliminary Traffic Assessment See Access Management Code. (2 printed and 1 digital copy) |

PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Public Realm Plan (on preliminary Plan/plat)
A plan outlining the general location, design characteristics, and functions of all proposed streets, storm water management, open spaces, civic spaces, and circulation networks – whether public, common or private – that will create the public realm for the plan. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Development Plan
A plan indicating the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan. This plan shall have a particular emphasis on how these elements relate to the public realm plan and where transitions between these elements occur at a parcel or block scale, both within the development and in coordination with abutting property. The development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of this Code. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Existing Conditions
Analysis identifying the general layout of any existing structures, streets or infrastructure and the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other features. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Phasing or Implementation
A strategy indicating the estimated timing of development, and any other administrative details of implementing the plan through future final site plans. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Names, addresses, and phone numbers of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.). |

Yes No

- ☒ ☐ 6. **Date of preparation and/or revisions.**
- ☒ ☐ 7. **Vicinity map** (drawn at a scale of 1"=2,000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.)
- ☒ ☐ 8. **A legal boundary description** with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres.
- ☒ ☐ 9. **Location of monuments**, shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments.
- ☒ ☐ 10. **Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
- ☒ ☐ 11. **Lots and tracts** identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet.
- ☒ ☐ 12. **Building setback lines** along public and private streets with dimensions in feet.
- ☒ ☐ 13. **Existing streets and driveways** which abut, touch upon or extend through the subdivision and/or streets located within 400 feet of the plat. The description shall include types and widths of existing surfaces, right-of-way widths, and dimensions of any bridges and culverts.
- ☒ ☐ 14. **Location of existing open space, alleys, parks, streams, ponds**, or other similar features within plat, and whether they are to be retained or removed.
- ☒ ☐ 15. **Location of existing buildings** and structures within 200 feet of the plat.
- ☒ ☐ 16. **Existing utilities**, including sanitary sewer, force main, water main, gas mains, culverts and storm sewer pipe, street lights, electric conduits, and invert elevations of sewers at points of proposed connection.
- ☒ ☐ 17. **Topography** of the area contained in the plat and within 20 feet of the plat boundary shown by 2-foot contour intervals and proposed preliminary grading. Contour lines shall be legible but not overpowering.
- ☒ ☐ 18. **Proposed street network**, including right-of-way, bearings, tangents, and horizontal and vertical curvature data (use of flow direction arrows and percent of grade is permitted at preliminary for vertical curve data, unless otherwise specified/required) along the centerline of each street.
- ☒ ☐ 19. **Proposed sidewalks** and/or trail locations including proposed widths.
- ☒ ☐ 20. **Proposed utilities**, including approximate location of sanitary sewer, water main, street lights, and storm sewer.
- ☒ ☐ 21. **Existing and proposed easements** with dimensions. Existing easements shall be labeled with book and page number. A 10-foot utility easement shall be shown adjacent to arterial streets.
- ☒ ☐ 22. **Any area within a federally designated floodplain.** Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991).



Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
P: 913.856.0913 | F: 913.856.4562
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Yes No

☒☐

23. **Stream corridor boundary** and dimensions.

☒☐

24. **Intersection site distance analysis.**

☐☒

25. **Vehicle maneuvering/turning templates** reflecting the site can accommodate a minimum SU-30 class vehicles (for emergency access to all areas of the site), and the appropriate site-design vehicle for any other special areas of the site (such as delivery or dock areas, etc.), as necessary.

☒☐

26. **All public streets** within the plat conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.

I hereby submit all information required for preliminary development plan review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

Signature of Applicant

1-13-20

Date

OWNER AFFIDAVIT

I/WE Grata Development, LLC by Travis Schram, Manager, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 13th day of January, 2020, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding property located at 175th St & I-35 (no address) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

[Signature]
Owner

Owner

STATE OF Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 13th day of January, 2020, by

Cindy K. Huston

My Commission Expires:

Cindy K. Huston
Notary Public



Prairie Trace Narrative

January 10, 2020

The Prairie Trace Development will be the residential portion of the New Trails Development proposed on the southeast corner of 175th and I-35 in Gardner, Kansas. The New Trails Master Planned Development was designed to open a new chapter of Gardner east of I-35 and includes 100 Acres of Commercial Development, 32 acres of multi-family development as well as this 136-acre single family development. Prairie Trace is divided into two distinct section, Prairie Trace Estates and Prairie Trace Manor. GRATA Development has been working for almost 12 months to lay the groundwork for this project. GRATA and the City of Gardner reached an agreement in October that provided for the annexation of this property into the City as well as arrangements to provide utilities to this site. This site has been expertly designed to account for, the proximity to I-35, a high-pressure gas main through the site as well as incorporate the preservation of wetlands. This unique layout requires some deviations from the standard street network. We are requesting a block length minimum reduction to 165'. We are also requesting a maximum cul-de-sac length exception of 750' due to an access restriction, and prohibitive terrain. Prairie Trace will include an amenity space with an open-air clubhouse and swimming pool that will be completed in conjunction with the first phase. The proposed greenspace and amenity areas exceed the open space requirements of the current code, even without including the wetland preservation areas.

Prairie Trace Estates

Prairie Trace Estates is designed not only to provide step-up housing for the current citizens of Gardner, but also to provide high-quality, spacious homes at a price point that will attract new citizens to the area. In its natural state, the property is marked by three wetland corridors that will be preserved to enhance water quality and bring a natural beauty to the development. The strategic placement of lots around these preservation areas allows for 71% of these lots to back to greenspace. In order to make this placement work, we are requesting a deviation from the rear yard setback requirement allowing for a minimum of 20' from 30' and an increase in lot coverage maximums from 30% to 49%. These deviations allow for large uninterrupted green spaces that not only promote wildlife and preservation but provide fantastic views while continuing to promote walkability in the neighborhood. This project will be similar to our Boulder Creek Project at 167th and Murlen in Olathe.

Prairie Trace Manor

Is designed to provide a price conscious option to both first time home buyers as well those wishing to downsize in their later years. The product will be strategically positioned to provide a buffer between the proposed commercial and multi-family developments. Prairie Trace Manor will incorporate wetland preservation areas into its design. This results in 50% of the lots being adjacent to green space. To achieve this effect, we are requesting the use of a "Detached House-Neighborhood" yard style with some minor modifications to achieve the desired result. Specifically we are requesting, a decrease in the rear yard set back from 25 feet to 20 feet as well as reduction of the minimum lot size from 6000 s.f. to 5,750 s.f. This smaller lot will also make an increase in the lot coverage from 40% to 55% necessary. Additionally, we are requesting a deviations that would allow for a garage door to make up 55% of the

front façade. This is a nearly identical to the Grayson place project in Olathe and will be similar to our Boulder Hills Enclave project in Olathe.

About GRATA Development

GRATA Development exists to empower people to enjoy life together as they live, work, and play in their neighborhoods. We see a return to the front porch mindset, where people gather on their front lawn in the evenings and hold backyard barbecues on the weekends. We envision neighbors who know the important things going on in each other's lives and who are prepared to offer a helping hand when needed. We see neighbors becoming friends and friends becoming family. As a company we are Kansas City born and bred. With the financial backing by the Jon Burrell Family, and a team of life-long Kansas City natives, we are committed to seeing our city transformed by tight-knit community. We have several projects currently under construction including The Communities of Falcon Lakes (Basehor, Ks), Boulder Springs (Spring Hill, Ks) Boulder Hills (Olathe, Ks) and Boulder Creek (Olathe, Ks). We would encourage you to learn more about what we do and how we do it on our website. www.GRATA.land

COUNCIL ACTION FORM

NEW BUSINESS ITEM No. 1

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: LARRY POWELL, BUSINESS & ECO DEV DIRECTOR

Agenda Item: Consider accepting a voluntary annexation with landowner consent

Strategic Priority: Promote Economic Development; Fiscal Responsibility;

Department: Business and Economic Development

Staff Recommendation:

Staff recommends the City Council adopt an ordinance annexing land commonly known as 15415 Lake Road 3. See attached map for locations. This is approximately 0.159 acres of land purchased from the City of Gardner in 2019.

Background/Description of Item:

A request to voluntarily annex a single lot was received on March 16, 2020. The property adjoins land already in the City of Gardner and therefore can be annexed upon receipt of a voluntary annexation request from the property owners.

Said property is hereby being offered for voluntary annexation by the Owner, Townley Living Trust. The owner has signed the Voluntary Consent Annexation agreement and the Consent for Annexation.

Consent annexations are not subject to resolution, notice, public hearing, and extension of services plan requirements that may apply to other annexations.

Financial Impact:

None

Attachments included:

- Consent for Annexation Form
- Location of property
- Ordinance

Suggested Motion:

Accept the Voluntary Consent Annexation Agreement and Consent Annexation Request of 15415 Lake Road 3 and adopt Ordinance No. 2660, an ordinance annexing land to the City of Gardner, Kansas.



CONSENT FOR ANNEXATION
(Adjoining Property by Request)

TO: The Governing Body of the City of Gardner, Kansas.

The undersigned owners of record of the following described land hereby petition the Governing Body of the City of Gardner, Kansas, to annex such land to the City. The land to be annexed is described as follows:

General Location or Address:

15415 Lake Road 3, Gardner, KS 66030

Legal Description: (please provide in digital form additionally, if possible)

This is a Plat of a part of the Northeast Quarter of Section 11, Township 14, Range 22, and a Replat of Lot 2, Block 22, Except the South 5 feet, Replat Gardner Lake Lots, Block Nos. 19, 21, 22, 23, 24, 25, 26, and 27, in Johnson County, Kansas, together more particularly described as follows; Commencing at the Southeast corner of said Section 11; thence N.01(degrees) 58'31"W. a distance of 3,150.44 feet; thence S.88(degrees)01'29" W.a distance of 429.41 feet to the Point of Beginning of the tract to be described, said point being the Westernmost corner of Lot 1, STEUBER LAKEHOUSE EXPANSION; thence N.42(degrees)01'08"E a distance of 88.46 feet; thence N.45(degrees)13'35"E. a distance of 53.33 feet; thence N.55(degrees)40'43"W a distance of 45.19 feet; thence N.18(degrees)33'47"W.a distance of 14.02 feet; thence S.38(degrees)36'02"W.a distance of 141.41 feet; thence S.46(degrees)14'49"E.a distance of 45.00 feet back to the point of Beginning, containing 6,927.50 square feet or 0.159 acres.

Such land lies upon or touches the City boundary line.

The undersigned further warrant and guarantee that they are the only owners of record of the land.

Shane E Townley
Owner(s)

Owner(s)

Owner(s)

ORDINANCE NO. 2660

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDNER, KANSAS.

WHEREAS, the following described land is located in Johnson County, Kansas;

WHEREAS, a written petition and/or consent for annexation of the following described land, signed by all of the owners thereof, have been filed with the City of Gardner, Kansas pursuant to K.S.A. 12-520(a)(7), as amended; and

WHEREAS, the governing body of the City of Gardner, Kansas, finds it advisable to annex such land.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

Section 1. That the following described land is hereby annexed and made a part of the City of Gardner, Kansas:

15415 Lake Road 3, Gardner, KS 66030

Legal Description: (please provide in digital form additionally, if possible)

This is a Plat of a part of the Northeast Quarter of Section 11, Township 14, Range 22, and a Replat of Lot 2, Block 22, Except the South 5 feet, Replat Gardner Lake Lots, Block Nos. 19, 21, 22, 23, 24, 25, 26, and 27, in Johnson County, Kansas, together more particularly described as follows; Commencing at the Southeast corner of said Section 11; thence N.01(degrees) 58'31"W. a distance of 3,150.44 feet; thence S.88(degrees)01'29" W.a distance of 429.41 feet to the Point of Beginning of the tract to be described, said point being the Westernmost corner of Lot 1, STEUBER LAKEHOUSE EXPANSION; thence N.42(degrees)01'08"E a distance of 88.46 feet; thence N.45(degrees)13'35"E. a distance of 53.33 feet; thence N.55(degrees)40'43"W a distance of 45.19 feet; thence N.18(degrees)33'47"W.a distance of 14.02 feet; thence S.38(degrees)36'02"W.a distance of 141.41 feet; thence S.46(degrees)14'49"E.a distance of 45.00 feet back to the point of Beginning, containing 6,927.50 square feet or 0.159 acres.

Section 2. That this ordinance shall be effective from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Gardner, Kansas this ____ day of _____, 2020.

Steve Shute, Mayor

ATTEST:

Sharon Rose, City Clerk

APPROVED AS TO FORM:

Ryan B. Denk, City Attorney

COUNCIL ACTION FORM

NEW BUSINESS ITEM No. 2

MEETING DATE: APRIL 20, 2020

STAFF CONTACT: GONZ GARCIA, UTILITIES DIRECTOR

Agenda Item: Consider the implementation of the 2020 Electric Distribution and Line Maintenance purchasing program

Strategic Priority: Increase Infrastructure and Asset Management
Fiscal Stewardship

Department: Utilities – Electric Distribution and Line Maintenance

Staff Recommendation:

Staff recommends approving the implementation of the 2020 Utilities Purchasing Program as proposed.

Background/Description of Item:

In 2018, the City implemented Lucity, a computer maintenance management system, to track work orders, parts usage, record asset maintenance history, and manage inventory levels effectively.

By using inventory management, the Utilities Department has optimized stock levels, optimized resources by limiting scrap and rework, tracked maintenance upgrades and work history, and identified critical parts needed to maintain and extend useful life of all utility assets and infrastructures. One criteria used for inventory management was to track any part or combined total with a cost equal or greater than \$500, eliminating the need to track items classified as consumables. Consumables are small, everyday items that are bought, 'used up', and then replaced.

Last year, the purchasing policy was revised and includes now includes section 60.5 that states:

60.5 Exceptions to the bidding process:

Critical Inventory – The City Administrator may choose to submit a plan for managing critical inventory to the City Council for approval for a given fiscal year. If the plan is approved by the City Council, the City Administrator would be authorized to purchase critical inventory (up to \$50,000 in value) to maintain approved critical inventory levels.

Since most critical inventory items are over \$10,000, above the Utilities Director's purchasing authority limit, section 60.5 will secure the timely procurement of critical inventory without impacting the level of service to Gardner residents or new developments.

Financial Impact:

All costs will be funded from the Electric, Water and Wastewater Funds.

Attachments:

- Electric Distribution Purchasing Program
- Line Maintenance Purchasing Program

Suggested Motion:

Approve the implementation of the 2020 Utilities Purchasing Program for Electric Distribution and Line Maintenance

2020 Purchasing Program - Electric Distribution

Line	Part #	Description	Price Ea.	2019 Used Quantity	Quantity In Stock	Quantity Needed	2020 Purchase Cost	Comments
1	RM-001	Aclara CL 200 Residential Smart Meter	\$88.89		115	120		Nexgrid provided 120 meters on loan.
2	SL-015	Fiberglass St. Light Pole (35ft)	\$913.00	11	1	15	\$13,695.00	Stock Material
3	SL-016	Fiberglass St. Light Pole (40ft)	\$1,785.94	6	7	10	\$17,859.40	6 month lead time
4	C-009	Primary Cable 4/0 Triplex	\$11.00	0	0	2,000	\$22,000.00	2 reels - New Item - Tall Grass Sub.
5	U1.167	167 KVA Padmount Transformer	\$3,565.00	0	7	5	\$17,825.00	May need for new apartments
6	U1.250	250 KVA Padmount Transformer	\$6,200.00	0	1	8	\$49,600.00	May need for new apartments
7	U1.333	333 KVA Padmount Transformer	\$8,900.00	0	1	7	\$62,300.00	May need for new apartments
8	U3.5002	500 KVA 3 ph. Padmount Transformer 120/208 V	\$11,530.00	0	1	1	\$11,530.00	To replace old rebuilt transformer
9	U3.5004	500 KVA 3 ph. Padmount Transformer 277/480 V	\$10,802.99	1	1	1	\$10,802.99	Stock Material
10	U3.7502	750 KVA 3 ph. Padmount Transformer 120/208 V	\$14,941.00	0	1	0	\$0.00	
11	U3.7504	750 KVA 3 ph. Padmount Transformer 277/480 V	\$14,056.59	0	0	1	\$14,056.59	Belfonte Car Wash
12	U3.10002	1000 KVA 3 ph. Padmount Transformer 120/208 V	\$19,745.00	0	2	0	\$0.00	
13	U3.1004	1000 KVA 3 ph. Padmount Transformer 277/480 V	\$16,050.00	0	1	0	\$0.00	
14	U3.15004	1500 KVA 3 ph. Padmount Transformer 277/480 V	\$20,940.00	0	1	0	\$0.00	
15	PP-30	30ft Class 4 Wood Pole	\$200.00	8	4	10	\$2,000.00	Stock Material

2020 Purchasing Program - Electric Distribution

Line	Part #	Description	Price Ea.	2019 Used Quantity	Quantity In Stock	Quantity Needed	2020 Purchase Cost	Comments
16	PP-35	35ft Class 4 Wood Pole	\$240.00	4	2	15	\$3,600.00	Stock Material
17	PP-40	40ft Class 3 Wood Pole	\$340.00	9	1	15	\$5,100.00	Stock Material
18	FC-3-200	3 - Phase Fuse Cabinet 200 Amp	\$14,000.00	0	1	2	\$28,000.00	Old cabinet - need replacement
19	FC-3-600	3 - Phase Fuse Cabinet 600 Amp	\$17,500.00	3	1	0	\$0.00	New development
20	FC-1-200	1 - Phase Fuse Cabinet 200 Amp	\$9,500.00	0	1	3	\$28,500.00	New development - Tuscan Farms

2020 TOTAL	\$286,868.98
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Need Now \$143,087.39

2020 Purchasing Program - Line Maintenance

Line	Part #	Description	Price Ea.	2019 Used Quantity	Quantity In Stock	Quantity Needed	2020 Purchase Cost	Comments
1	RK-004	AD HYDR KIT (#B-84-B)	\$130.00	0	2	1	\$130.00	RO at 1
2	AN-001	3/4" ANGLE STOP	\$35.00	0	3	7	\$245.00	RO at 2
3	AN-002	1" ANGLE STOP	\$53.00	0	2	6	\$318.00	RO at 2
4	TEE-002	8"x6" TEE	\$117.00	0	3	3	\$351.00	RO at 2 - New
5	TEE-001	6"X6" TEE	\$103.00	0	2	4	\$412.00	RO at 2 - New
6	BV-001	BALL VLV CORPS (2")	\$290.00	1	6	2	\$580.00	RO at 2
7	LN-001	6" Locking Spool	\$130.00	0	2	4	\$520.00	RO at 2 - New
8	BV-002	BALL VLVCORPS (1.5")	\$255.00	1	6	2	\$510.00	RO at 2
9	GV-001	8" GATE VALVE	\$812.00	1	3	0	\$0.00	RO at 1
10	GV-002	12" GATE VALVE	\$1,595.00	1	8	0	\$0.00	RO at 1
11	GV-004	6" GATE VALVE	\$522.00	10	1	7	\$3,654.00	RO at 2
12	GV-005	4" GATE VALVE	\$405.00	0	2	2	\$810.00	RO at 1
13	GV-006	2" GATE VALVE	\$326.00	3	2	2	\$652.00	RO at 2
14	HC-001	6" HYMAX COUPLING	\$245.00	3	3	1	\$245.00	RO at 2
15	HC-002	8" HYMAX COUPLING	\$280.00	0	0	2	\$560.00	RO at 2
16	HC-003	2" HYMAX COUPLING	\$150.00	0	3	1	\$150.00	RO at 2

2020 Purchasing Program - Line Maintenance

Line	Part #	Description	Price Ea.	2019 Used Quantity	Quantity In Stock	Quantity Needed	2020 Purchase Cost	Comments
17	KFH-001	5 1/4 FIRE HYDR 4' BURY KENNEDY	\$1,815.00	5	0	5	\$9,075.00	RO at 1
18	KFH-002	5 - 1/4" KENNEDY FIRE HYDR EXTENSION (12")	\$285.00	2	5	0	\$0.00	RO at 2
19	KFH-003	5 1/4 FIRE HYDR 5' BURY KENNEDY	\$1,905.00	1	1	4	\$7,620.00	RO at 1
20	KSC-001	K- SOFT COPPER (3/4")	\$3.98	634	224	600	\$2,388.00	RO at 120ft
21	KSC-002	K-SOFT COPPER (1")	\$5.35	168	251	300	\$1,605.00	RO at 60ft
22	NL-001	CC CORP (3/4")	\$20.00	132	44	50	\$1,000.00	RO at 25
23	NL-002	CC CORP (1")	\$53.00	25	5	25	\$1,325.00	RO at 5
24	PC900-001	4" C900 PIPE	\$2.17	0	60	0	\$0.00	RO at 20ft
25	PC900-002	6" C900 PIPE	\$4.42	0	60	0	\$0.00	RO at 20ft
26	PC900-003	8" C900 PIPE	\$7.65	0	60	0	\$0.00	RO at 20ft
27	PC900-004	10" C900 PIPE	\$11.47	0	20	0	\$0.00	RO at 0
28	PC900-005	12" C900 PIPE	\$16.19	0	20	0	\$0.00	RO at 0
29	SSTB-001	3/4" T-BOLTS STAINLESS STEEL	\$6.50	485	150	200	\$1,300.00	RO at 50
30	WS-002	WATER METER SETTER (1"X 15")	\$190.00	2	6	5	\$950.00	RO at 5
31	WS-001	WATER METER SETTER (3/4"X12")	\$315.00	30	12	5	\$1,575.00	RO at 10
32	C900-003	6" SADDLE C900 (1"cc)	\$51.00	1	2	10	\$510.00	RO at 2

2020 Purchasing Program - Line Maintenance

Line	Part #	Description	Price Ea.	2019 Used Quantity	Quantity In Stock	Quantity Needed	2020 Purchase Cost	Comments
33	RK-001	KENNEDY REP HYRD KIT	\$140.00	0	5	0	\$0.00	RO at 1
34	RK-002	MULLER REP HYDR KIT	\$145.00	0	6	0	\$0.00	RO at 1
35	RK-003	CLOW REP HYDR KIT	\$145.00	0	0	2	\$290.00	RO at 1
TOTAL							\$36,775.00	